

LEELANAU COUNTY DEPARTMENT OF BUILDING SAFETY

8527 E. Government Center Dr. Suite 109
Suttons Bay, MI 49682
Phone (231) 256-9806 FAX (231) 256-8333
E-mail: buildingsafety@leelanau.gov
Website: leelanau.gov

VIOLATION NOTICE

11/09/2021

AURORA CELLARS LLC
7788 E HORN RD
LAKE LEELANAU MI 49653

Notice Number: E21-0180 Located At: 7788 E HORN RD Property Tax ID #: 009-012-008-01

Upon inspection or from a complaint, violations of the Michigan Building Code were found to exist:

Seasonal igloos require permits.

Code Reference and Discrepancy:

R105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

Please respond within 14 days from the date of this letter. A fee of \$150 may be assessed to individuals who have been found by the Building Official to have knowingly and intentionally proceeded with construction without obtaining required permits. Failure to respond to this notice within the prescribed period will result in a stop work order and possible further legal action.

Please correct or contact this department about the above items. Acceptance and approval by an Inspector of this department shall be required. If you have any questions, please call (231) 256-9806.

Respectfully,

Amber Weber, Building Official

Permits Required Enforcement | E21-0180

Property Information

009-012-008-01 7788 E HORN RD Subdivision:
LAKE LEELANAU MI, 49653 Lot: Block:

Name Information

Owner: AURORA CELLARS LLC Phone: (231) 944 2870
Occupant: Phone:
Filer: Phone:

Enforcement Information

Date Filed: 11/09/2021 Date Closed: 12/29/2021 Status: Violation

Complaint:
Seasonal igloos require permits.

Last Action Date: Last Inspection: 12/03/2021

Last Action:

Enforcement follow up Inspection | Administrative

Status: Completed Result: Complied
Scheduled: 12/06/2021 Completed: 12/03/2021

Comments:

Scheduling Comment 11/9/21 - First violation letter sent
12/1/21 - talked to Sam, he sent the application for the igloo out yesterday. ms
12/3/21 - rec'd application for igloo - still need land use, site plan, \$\$.

Leelanau County Seasonal Use

Permit No: **PSU21-0024**

Department of Building Safety

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7788 E HORN RD Site Location
 Township: LELAND TOWNSHIP
 Parcel Number: 009-012-008-01

AURORA CELLARS LLC Owner
 7788 E HORN RD
 LAKE LEELANAU MI 49653

AURORA CELLARS LLC
7788 E HORN RD
LAKE LEELANAU MI 49653
 Ph# (231) 944 2870 Contractor/Applicant

Issued: 12/29/21 Expiration Date: 06/27/2022
 Total Square Feet: 214
 Construction Value: 0.00
 Category: Commercial, Temporary Structure
 Building Code In Effect: 2015 MI BUILDING

Work Description: Two TEMPORARY igloos 107 sq.ft. each (214 sq.ft. total), Occupant Load "10" per Igloo. Igloos to be used to accommodate beverage services. NO COOKING. ALCOHOL WILL BE SERVED. Igloos remain in place November 2021 thru April 2022. USE = "A-3". Total Occupant Load = "20".
 AURORA CELLARS LLC

Stipulations: TEMPORARY STRUCTURES AND USE PERMITTED FOR NO MORE THAN 180 DAYS (November 2021 - April 2022) R107.1

Permit Item	Work Type	Fee Basis	Item Total
Seasonal Use Permit Fee	Seasonal Use Permit	1.00	325.00

Fee Total: \$325.00

Amount Paid: \$325.00

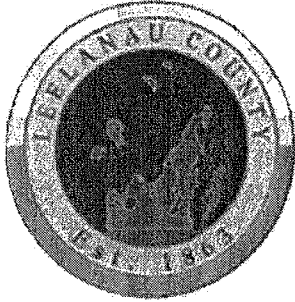
Balance Due: \$0.00

I agree this permit is only for the work described, and does not grant permission for additional or related work which requires separate permits. I understand that this permit will expire, and become null and void if work is not started within 180 days, or abandoned for a period of 180 days at any time after work has commenced. A permit will be closed when no inspections are requested and or conducted within six months of the date of issuance, or the date of a previous inspection; and, that I am responsible for assuring all required inspections are requested in conformance with the applicable code. I hereby certify that the proposed work is authorized by the owner, and that I am authorized by the owner to make this application as his authorized agent. I agree to conform to all applicable laws of the State of Michigan and the local jurisdiction. All information on the permit application is accurate to the best of my knowledge.

Payment of permit fee constitutes acceptance of the above terms. Please call (231) 256-9806 to schedule inspections.

Check # 14575
 Receipt # 00065596
 Permit # PSU21-0024
 Payment Validation

Prior to beginning construction and any inspections occurring the address MUST be posted per County Ordinance R319.



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VIOLATION NOTICE

12/29/2021

SIMPSON D BRUCE TRUST
110 N HIGHLAND DR
LAKE LEELANAU MI 49653

Notice Number: E21-0220 Located At: 34 N MANITOU TRL Property Tax ID #: 009-021-027-60

Upon inspection or from a complaint, violations of the Michigan Building Code were found to exist:

IGLOOS ON PROPERTY WITHOUT PERMITS

Code Reference and Discrepancy:

R105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

Please respond within 14 days from the date of this letter. A fee of \$150 may be assessed to individuals who have been found by the Building Official to have knowingly and intentionally proceeded with construction without obtaining required permits. Failure to respond to this notice within the prescribed period will result in a stop work order and possible further legal action.

Please correct or contact this department about the above items. Acceptance and approval by an Inspector of this department shall be required. If you have any questions, please call (231) 256-9806.

Respectfully,

Amber Weber, Building Official

Permits Required Enforcement | E21-0220

Property Information

009-021-027-60 34 N MANITOU TRL Subdivision:
LAKE LEELANAU MI, 49653 Lot: Block:

Name Information

Owner: SIMPSON D BRUCE TRUST Phone: (231) 944 2870
Occupant: GOOD HARBOR VINEYARDS & WINERY Phone: (231) 256 7165
Filer: Phone:

Enforcement Information

Date Filed: 12/29/2021 Date Closed: 01/18/2022 Status: Resolved

Complaint:

Two igloos on property, no permits

Last Action Date: Last Inspection: 04/26/2022

Last Action:

Enforcement follow up Inspection | Administrative

Status: Completed Result: Complied
Scheduled: 01/13/2022 Completed: 04/26/2022

Comments:

Scheduling Comment 12/29/21 - Igloos on property without permits.

for 1/12/22 - Call @ 9am if application has not been rec'd and tell them they have until 5pm today otherwise there will be a stop work order.

1/12/22 - emailed Taylor, stop work order will be issued if full submission is not recieved by 5pm today. ms
** See attached emails from Taylor re: payment. ms

Letter Notice 1 Inspection | Administrative

Status: Completed Result: Violation(s)
Scheduled: 01/05/2022 Completed: 12/29/2021

Comments:

Scheduling Comment 12-29-21. Notice sent for igloos, no permit

From: Molly Steck
To: Taylor Simpson
Subject: Re: Notice for Igloos at Good Harbor
Date: Wednesday, January 12, 2022 12:59:24 PM

Yes - we can take a credit card over the phone 256-9806. There will unfortunately be an after-the-fact fee (\$150) added, so the total for the permit is \$325.00.

Thank you!

From: Taylor Simpson <taylor@goodharbor.com>
Sent: Wednesday, January 12, 2022 12:51 PM
To: Molly Steck <msteck@leelanau.gov>
Subject: Re: Notice for Igloos at Good Harbor

Can we pay via cc?

On Wed, Jan 12, 2022, 9:10 AM Molly Steck <msteck@leelanau.gov> wrote:

Hi Taylor,

In regards to the two (2) igloos at Good Harbor Winery, a violation notice was sent to 34 N Manitou TRL on 12/29/21.

The building official is requesting to have the site plan, application, and fee by 5:00 pm today. If not received by then, she will be enforcing a stop-work order.

Thank you,

Molly Steck
Leelanau County
Building Safety
231-256-9806

Leelanau County Seasonal Use

Permit No: **PSU22-0001**

Department of Building Safety

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34 N MANITOU TRL Site Location
 Township: LELAND TOWNSHIP
 Parcel Number: 009-021-027-60

SIMPSON D BRUCE TRUST Owner
 110 N HIGHLAND DR
 LAKE LEELANAU MI 49653

SIMPSON D BRUCE TRUST
110 N HIGHLAND DR
LAKE LEELANAU MI 49653
 Ph# (231) 944 2870 Contractor/Applicant

Issued: 01/18/22 Expiration Date: 07/17/2022
 Total Square Feet: 0
 Construction Value: 0.00
 Category: Commercial, Temporary Structure
 Building Code In Effect: 2015 MI BUILDING

Work Description: One TEMPORARY igloo 107 sq.ft., Occupant Load "6". Igloo to be used to accommodate beverage services. NO COOKING. ALCOHOL WILL BE SERVED. Igloo remain in place November 2021 thru April 2022. USE = "A-3". Total Occupant Load = "6".
AURORA CELLARS LLC

Stipulations: TEMPORARY STRUCTURES AND USE PERMITTED FOR NO MORE THAN 180 DAYS (November 2021 - April 2022) R107.1

Permit Item	Work Type	Fee Basis	Item Total
Seasonal Use After-the-Fact Per	Seasonal Use Permit	1.00	150.00
Seasonal Use Permit Fee	Seasonal Use Permit	1.00	175.00

Fee Total: \$325.00

Amount Paid: \$325.00

Balance Due: **\$0.00**

I agree this permit is only for the work described, and does not grant permission for additional or related work which requires separate permits. I understand that this permit will expire, and become null and void if work is not started within 180 days, or abandoned for a period of 180 days at any time after work has commenced. A permit will be closed when no inspections are requested and or conducted within six months of the date of issuance, or the date of a previous inspection; and, that I am responsible for assuring all required inspections are requested in conformance with the applicable code. I hereby certify that the proposed work is authorized by the owner, and that I am authorized by the owner to make this application as his authorized agent. I agree to conform to all applicable laws of the State of Michigan and the local jurisdiction. All information on the permit application is accurate to the best of my knowledge

Payment of permit fee constitutes acceptance of the above terms. Please call (231) 256-9806 to schedule inspections.

Prior to beginning construction and any inspections occurring the address MUST be posted per County Ordinance R319.

Check #
 Receipt # 00065789
 Permit # PSU22-0001
 Payment Validation

SCOPE AND ADMINISTRATION

there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

❖ This section provides an aggrieved party with a material interest in the decision of the building official a process to appeal such a decision before a board of appeals. This provides a forum, other than the court of jurisdiction, in which to review the building official's actions.

This section literally allows any person to appeal a decision of the building official. In practice, this section has been interpreted to permit appeals only by those aggrieved parties with a material or definitive interest in the decision of the building official. An aggrieved party may not appeal a code requirement per se. The intent of the appeal process is not to waive or set aside a code requirement; rather, it is intended to provide a means of reviewing a building official's decision on an interpretation or application of the code or to review the equivalency of protection to the code requirements. The members of the appeals board are appointed by the "governing body" of the jurisdiction, typically a council or administrator, such as a mayor or city manager, and remain members until removed from office. The board must establish procedures for electing a chairperson, scheduling and conducting meetings and administration. Note that Appendix B contains complete, detailed requirements for creating an appeals board, including number of members, qualifications and administrative procedures. Jurisdictions desiring to utilize these requirements must include Appendix B in their adoptive ordinance.

[A] 113.2 **Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

❖ This section establishes the grounds for an appeal, which claims that the building official has misinterpreted or misapplied a code provision. The board is not allowed to set aside any of the technical requirements of the code. It is, however, allowed to consider alternative methods of compliance with the technical requirements (see Section 104.11).

[A] 113.3 **Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

❖ It is important that the decisions of the appeals board are based purely on the technical merits involved in an appeal. It is not the place for policy or political deliberations. The members of the appeals board are, therefore, expected to have experience in building construction matters. Appendix B provides more

detailed qualifications for appeals board members and can be adopted by jurisdictions desiring that level of expertise.

SECTION 114
VIOLATIONS

[A] 114.1 **Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, *repair*, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

❖ Violations of the code are prohibited and form the basis for all citations and correction notices.

[A] 114.2 **Notice of violation.** The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, *repair*, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

❖ The building official is required to notify the person responsible for the erection or use of a building found to be in violation of the code. The section that is allegedly being violated must be cited so that the responsible party can respond to the notice.

[A] 114.3 **Prosecution of violation.** If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

❖ The building official must pursue, through the use of legal counsel of the jurisdiction, legal means to correct the violation. **This is not optional.**

Any extensions of time, so that the violations may be corrected voluntarily, must be for a reasonable and valid cause, otherwise the building official may be subject to criticism for "arbitrary and capricious" actions. In general, it is better to have a standard time limitation for correction of violations. Departures from this standard must be for a clear and reasonable purpose, usually stated in writing by the violator.

[A] 114.4 **Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

❖ Penalties for violating provisions of the code are typically contained in state law, particularly if the code is