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SEP 10 2020

LEELANAU COUNTY
ADMINISTRATOR

CONSTRUCTION BOARD OF APPEALS

RE: As per the 2015 Michigan Residential Code R113 Board of Appeals I am filing this appeal.

Dear Construction Board of Appeals,

Do you remember the storm of 2015, the damage? Mr. Pope told me to make the repairs because they were swamped and get the repair permit later. My neighbors did everything under the sun to prevent me from repairing my home. This will be discussed later. On September 15, 2015, the Building Department red tagged my home until I filed for a permit. I filed for a permit, again and again. With no written document why, they would not process it, no denial. Just lies over the phone! They refused to process it! My tiny home had five trees fall on it. It took three winters to get my permit after three different permit applications! This was with the County fully aware it was exposed the elements.

I have been sued for sleeping in my home for an alleged zoning violation, that does not exist. You as people in the industry must understand the permit process, inspection and approvals must have some meaning. They don't in Leelanau County, Public Officials are above the law. I worked for state government, decisions were not always made for the common good, but the few, and those who wanted favors.

In this document some sections will go out of first person and are from the pleadings. Thereby it will say Plaintiff me, Defendant the County/Township/ Shores. It will say Appellant me, Appellee the Township /Shores.

The Township working with the County, directly set us up to sue my family for an alleged zoning violation. The Township violated the Michigan Zoning Enabling Act, the Open Meetings

Act and their own Township Zoning Ordinances. For a zoning violation there, ordinances do not allow to sue first. By their own ordinance I was to receive $100 fine. I have now over $25,000 in legal fees because they violated my constitutional rights by suing first. I found out about the violation when I was served. The law requires a notice or citation, a hearing if you want to fight it with the zoning board of appeals and another appeal process to the Circuit Court.

In 1992 my home was to be a treehouse, but the building department stated attaching to the trees was not a BOCA approved foundation, so I put in between the trees raised on 4x6 treated posts and used filled concrete block for the footings. Since the DNR would not allow pour concrete in the sensitive dunes. For use; the building department called a gazebo, and the county official told me if I want to sleep in it, (which is why I built it) carry in water and a portable toilet was all we needed to meet the requirements of the health department. The home is about 30 feet from a bluff on just under 2 acres of heavily dense forest over-looking Lake Michigan. In 1992 there was no place to stay in Northport so I built the "gazebo" to use to stay, to design my primary home and then to build my home. I am both a licensed architect and have my builders license going on four decades of experience. In all that time working with municipalities, Leelanau County is as corrupt as Detroit under the Coleman Young Administration! The mayor was a king and dismantled the government to where it operated like a feudal system and he had control over everything. Today my friend works for the fire department and they are trying to fix the buildings that were allowed not to meet code. Money was paid to Mayor through his fundraising, buying tables at the fundraiser of 5 tables is what we were told at $10,000, is what was required to join the club. The building department than would not enforce the building codes and the building department would allow violation of the safety codes. My group would not buy into this

corruption and eventually stopped doing work in Detroit. A building I designed the Athenaeum Hotel a 9-story building with an atrium had a smoke evacuation system in it that cost $250, 000. I left the project because I knew I could not get it built to code. The Building Department caught the requirement but that file disappeared and it was never installed. All guest rooms open on to the atrium and if it is filled with smoke people will die trying to get to the stairs if a fire occurs!

The rule of law meant nothing in Detroit and the rule of law means nothing in Leelanau County!

I was told by two separate sources why this was happening to us. A County Public Official whom I had known for years confirmed racism as the reason for not processing my permit. Obviously, he did not come forward because he would lose his job. It is simply how the County operates! Two years later when I was trying to expose this unlawful enterprise, a Retired Judge told me:

"Keep your family safe, get them out of the County, sell your property and do not look back, accept that you will never be able to use your property again. You can never win this in that Court. "

Both have been correct. We are gone for our daughter's safety. Do you condone this? As outrageous as this sounds it is true and the Exhibits show it was done. Your job is not to render an opinion on racism. Did the County not interpret the codes correctly? The answer is more than yes! They violated them with intent! Under your authority you can reverse the damage to our property rights!

We used our property for 23 years without a single complaint. We adopted a mixed-race child and we lost all our property rights and were run out of town. The reason why this happened is less important to this Appeal Board than violations of the code books, the US Constitution, fraud

and a total abuse of the construction process to serve their authoritarian requirements. Democracy fails when the rule of law does not apply to the public officials that are there to enforce them.

The Gazebo was used as a summerhouse for 23 years without a complaint. Our home was a screened in porch 12' x 20 ' with a loft, fireplace and kitchen. We used carry in water and a portable toilet. It could sleep six comfortably. Are structure being water tight, yet had the breeze off the water was great sleeping.

gazebo

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[*guh*-**zey**-boh, -**zee**-]SHOW IPA

SEE SYNONYMS FOR *gazebo* ON THESAURUS.COM

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noun, plural ga·ze·bos, ga·ze·boes.
a structure, as an open or latticework pavilion or **summerhouse, built on a site that provides an attractive view.**

a small roofed structure that is screened on all sides, used for outdoor entertaining and dining.

I have been fighting this fight now 5 years. After two years of denial of a repair permit to be processed we were staying in town with relatives and friends. My daughter was 6 years old and in the Northport Dog parade. A friend of the family after the parade told me someone watching the parade made a slur against my daughter. My daughter is adopted and is Hawaiian, Chinese, Cherokee, African American and Irish. I called a County Official I had known for years and

asked him am I being denied a permit, because of my daughter. He confirmed off the record yes. I filed a racial discrimination complaint with the State of Michigan Civil Rights Division against the County and as part of settlement of the complaint they issued the permit **Exhibit 11.** That is how I got my permit after three years my home being exposed to the weather.

COUNTY'S WRITTEN INTENT, MANDATE AND IMPLEMENTATION

(From a pleading in the Federal Case the Township and The Shores members as individuals which relates to the County intensions. Plaintiff is me and Defendant is The Township /The Shores)

From the pleading:

In a memo, Memo To File written by Steve Patmore. **Exhibit 19,** dated 6/22/2017 is a very telling memo of the treatment of the Wizinskys. This memo also shows conspiracy to defraud Plaintiff well as violation of due process under the 42 U.S. Code § 1985 because the goal of meeting was to deny Plaintiff of his property rights through deceit and fraud.

42 U.S. Code § 1985.Conspiracy to interfere with civil rights

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, ... any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

(R.S. § 1980.)

Mr. Patmore the Township Zoning Official was requested to attend by Doug Scripps the Township Supervisor and head of the Township Board (his boss). According to the Civil Rights

Division investigation Doug Scripts and Todd Hoogland The Shores HOA President are very good friends. The meeting had in attendance Steve Haugen the Building Official, Chet Janik the top County Boss County Administrator and Ty Wessell a County Commissioner to discuss a repair building permit for Mr. Wizinsky's damaged home two years later by top officials of the County. This is abnormal and **"interference in a permit process"** for these people to meet for a simple repair permit for a well-established tiny home of 25 years. From the memo: **Exhibit 19**

"Leelanau County received a building permit application from the owner last fall. (to replace structure)"

The house was exposed to the elements for two winters with a Stop Order in the fall of 2015 denying repair until a permit was issued. They simply would not process the permit application. **There was no request by me to replace the structure**. This stop order was issued with no intension of ever issuing a permit. Then in June of 2017 two years later, they are still finding a means for denial of a repair permit. The permit was for finishing up repairs since Plaintiff got a verbal approval from Mr. Pope of building department to make the repairs and then get the permit after. The building department was originally short-handed, because Steve Haugen was on vacation in Alaska. Then they became swamped from a worse storm. Plaintiff had already invested significant funds for repairs, why would he want to replace it. The first thing that caught Plaintiff's attention was nine months have passed from his application these top officials knew about it and blocked it. They intentional blocked the permit process which is a due process violation. Plaintiff had a 1992 permit, inspection and approval, that gave Plaintiff the right to protect his property interests. The County denied his Constitutional rights, thus violating due process for an illegal condemnation process. This stalling, denial is defined as due process violations.

Mr. Wizinsky received in late 2017 the FOIA documents which show no inspection since 1992. There was no inspection because no permit was issued! Plaintiff would have to have known, if an inspection was conducted since the home is locked. There was no record of an inspection in his about November 2017 FOIA documents after the June 22, 2017 Meeting. Then how does the County at this meeting make these statements in June 2017 without any type of official inspection on record prior to this statement: **Exhibit 19**

" Leelanau County has determined the existing structure is in violation of the building code. "

And,

" Leelanau County is MANDATING that the existing structure be removed."

And,

"Commissioner Wessell &C.A, Janik concerned that the existing structure is being occupied"

Plaintiff filed for an unneeded land use permit shortly after that meeting and it took five months for a response **Exhibit 14**. This is a due process violation. The County wanted zoning involved so they could reject the new land use permit and state it is not a dwelling! If Plaintiff could use the 1992 Land Use Permit, where Patmore stated in an email **Exhibit 15** how to use it and the County Approved in **Exhibit 25**, the Certificate of Occupancy, there would be no reason for zoning to be involved. We would just use the 1992 Land Use Permit. The County set us up to deny use. Plaintiff repeatedly ask; what was needed for a permit?

Chet Janik email June 22, 2017 to Steve Haugen. **Exhibit 20,**

> **"Steve H- Based on this written confirmation, I am assuming you will be sending out a letter to Mr. Wizinsky within the next week notifying him of the Zoning Administrator's decision and the fact the structure is out of compliance and therefore he needs to meet the current codes or remove the building within the allotted period.**

Failure to do so, will result in the case being referred to the Courts and the legal process will commence."

First a 1992 built building for repair does not have to meet 2017 codes because they are grandfathered in, even if an inspection was completed. This confirms the goal of the County based on no recorded code or documented ordinance violation, **the denial of a permit, a fraudulent scheme for the removal of the home.** It appears the County set the goal and then had to find a way to achieve it. They did in mediation when their Township partner forced the sale of the property and the removal of the home, **Exhibit 3.** The County's goal was achieved through conspiracy with the Township. This is fraud by the County! As per MCL 750.21 FALSE PRETENSES WITH INTENT TO DEFRAUD. When Plaintiff filed for a Building Permit and the County refused to process it, it was a violation of due process. It was done deliberately by top officials which interfered in the process. The minutes from the meeting show it. The only reason a permit was finally issued was because Plaintiff filed a racial discrimination complaint. **The violation and damages still exit** even if the permit is issued. **"Such actions, if proven are sufficient to establish a substantial due process violation, actionable under 1983, even if the ultimate outcome of plaintiff'permit was favorable."**

Case law that establishes this as a Due Process violation:

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."and**"Such actions, if proven are sufficient to establish a substantial due process violation, actionable under 1983, even if the ultimate outcome of plaintiff'permit was favorable."**

And,

LOCKARY v. KAYFETZ
917F.2d 1150, 1155-56(9th Cir. 1990)
United States Court of Appeals, Ninth Circuit.
Substantive *due process* has emerged as the concept utilized to rectify governmental actions that wrongfully deprive a person of life, liberty, or property. It has served as the grounds for recognizing 42 U.S.C.A. § 1983 claims where plaintiffs have alleged governmental bodies refused to issue government-regulated permits for reasons unrelated to the merits of an application for such permits.

And,

SCOTT v. GREENVILLE COUNTY United States Court of Appeals, Fourth Circuit.

716 F. 2d 1409,1419 (4th Cir. 1983)

"SMC 4.03.020 permits no delay in the *issuance* of a *building* or grading *permit* while the municipality rethinks plat approval which it had granted years previously. City council members who improperly interfere with the process by which a municipality issues permits deprive the *permit* applicant of his property absent that process which is due. Bateson, 857 F.2d at 1303; Blanche Rd. Corp. v. Bensalem Township, 57 F.3d 253, 267-68 (3d Cir.)(deliberate and improper *interference* with the process by which the township issues *permit* established substantive due process violation even if permits were ultimately issued), cert. denied, 516 U.S. 915, 116 S. Ct. 303, 133 L. Ed. 2d 208 (1995); Bello v. Walker, 840 F.2d 1124, 1129 (3d Cir.) (improper *interference* with the process by which municipality issues *building permit* is arbitrary and violates substantive due process), cert. denied, 488 U.S. 868, 109 S. Ct. 176, 102 L. Ed. 2d 145 (1988); Scott v. Geenville County. 716 F. 2d 1409, 1419 (4th Cir. 1983) (county council's intervention in administrative *issuance* process of a *building permit* violates due process). ..."

The County with intent denied Plaintiff of his Constitutional Rights of Due Process. The public officials interfered in the process and was never going to issue a repair permit no matter what, until the State of Michigan Civil Rights division required the permit to be issued. Under:

"42 U.S.C.A. § 1983 claims where plaintiffs have alleged governmental bodies refused to issue government-regulated permits for reasons unrelated to the merits of an application for such permits. " as per LOCKARY v. KAYFETZ 917F.2d 1150, 1155-56(9th Cir. 1990)

The County committed fraud by issuing the Certificate of Occupancy with restrictions, which violates R110.2 and the County had full knowledge Plaintiff was in full Compliance with the Health Department, when they attached the resolved Health Department as a restriction. This was fraud!

Plaintiff's house was not habitable until 2018 after the repairs were completed in 2018. The only reason for this was refusal to process the repair permit. Since September 2015 to August 2017, Appellant did not even come to the County. He stayed in town in 2017 in that stay. So why was it necessary for the County officials lie to Mr. Patmore about the application saying the house is being torn down and rebuilt and with this statement? In addition:

"Commissioner Wessel & C.A. Janik concerned that the existing structure is being occupied"

It seems clear to me Wessell, Janik and Scripps conspired in violation of 42 U.S. Code § 1985, for the denial of Civil Rights to have the home removed. This deception on Mr. Patmore may be because their zoning official was a straight shooter at that time and top public officials had to corrupt him into this to aid to have Mr. Wizinsky's home removed. Five months later he bought into the scheme when issuing **Exhibit 15** and thus also violate 42 U.S. Code § 1985. Two day later after communication with Plaintiff he sent a **Zoning/Construction Solution Exhibit 15. This may have been done because of the racial discrimination complaints.**

It is not normal for a County to deny any repairs for an exposed building, put a stop order on it, and then not immediately process the permit application when receiving it. This was an unlawful condemnation process and that had the Civil Rights Division order the permit issued, that the home would eventually not be salvageable.

ARGUMENT 1: CERTIFICATE OF OCCUPANCY IS FRAUDULENT

I am asking the Construction Board to look at the big picture and not just this one incident, if you are pissed put it on the record, because if they can do this to me, they can screw anyone. A total abuse of authority. I did not fall for this abuse because of my four decades of experience in the trades and working in Detroit! Chet Janik should not be interfering in the permit process, yet he did! It is a violation of our constitutional rights and denial of due process!

I am seeking the appeal of the Certificate of Occupancy because it was in violation of the 2015 Michigan Residential Building Code. It was also deceptive with the purpose of fraud. In preparing the document, fraudulently it is a VIOLATION OF MCL 750.248 AND MCL750.248b FORGERY, FALSIFYING, ALTERING PUBLIC RECORD.

A. **ARE CERTIFICATE OF OCCUPANCIES ISSUED FOR ACCESSORY BUILDINGS ZONED SINGLE FAMILY LOTS IN THE COUNTY OR ONLY THE PRIMARY HOME RECEIVES THE CERTIFICATE?**

   I have seen no community ever issue a Certificate of Occupancy for an Accessory building on single-family zoned lots, but that is downstate in the Novi Area. The only structure receiving a Certificate of Occupancy is the primary home on single family zoned lots. This is how it is done down state, but since the County intent is made clear in a memo and the rule of law does not matter in Leelanau County, I do not know if the County issues Certificate of Occupancies for Accessory buildings or not. If the standard practice in the County is no, then the Certificate of Occupancy should be removed from

the record and a final inspection sticker should be placed on the building and the public record should reflect that. That would mean no denied use!

The Township Zoning Ordinances even today allow an accessory structure to be built first. prior to the primary home. The requirement today, is you need a site plan showing the location of the future primary home and relate it to the location of the accessory building. As per the Township ordinances.

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)

My home under today's ordinances would be considered a guest house sleeping place. Some 28 years ago the building official knew what it was to be used for and called it a gazebo. He stated when you sleep in it you must have drinking water and a portable toilet to be in compliance with the Health Department. Today the Health Department (now retired Mr. Crawford of the Health Department) confirmed compliance with the same standard in emails sent to the County, Township and the Shores.

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)

B. **VIOLATION OF THE 2015 MICHIGAN RESIDENTIAL CODE R110.2**

R110.2 Change in Use, Exhibit 40.

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

Plaintiff's gazebo was permitted in 1992 as a gazebo with no restriction stated on it. There was no restriction on it such as I could not sleep in it. On the contrary the building official knew exactly the purpose of the gazebo, because I lived 250 miles away. It was built to sleep in, or it would not be built. If that restriction was put on the permit, I would not build it. He knew I was going to sleep in it because he told me the requirements of the health department to sleep in it, carried in drinking water and a portable toilet. The present Township Zoning Ordinances has no definition for gazebo, so in 1992 that might have been a 1992 version of sleeping quarters. Today under Guest House it is defined in zoning as a sleeping quarters a sleeping place without or with kitchen or bathroom facilities.

The County violated the 2015 Residential Code Book R110.2 by changing use from 1992 gazebo to Utility Structure Gazebo/Shed. The 1992 use said only gazebo.

The present-day Township Zoning ordinances do not have definitions for utility structure, gazebo or shed.

A utility structure is a classification of outdoor structures.

LANDSCAPE MANAGEMENT, OUTDOOR STRUCTURES

OUTDOOR STRUCTURES: UTILITY BUILDINGS Outdoor Structures: Utility Buildings

Utility buildings are outdoor structures. Utility buildings, by definition, are buildings which can be used for many purposes. Probably the most common utility building is the portable storage building, and the most common use for such structures is as home storage sheds, but there are many other possibilities.

Utility building uses

- Storage.

- Workshops.
- Offices.

JUNE 22, 2010 ADMIN LEAVE A COMMENT

- Home gyms.
- Play houses.
- Tool sheds.
- Game rooms.
- Television rooms.
- Craft and hobby shops.
- **Fishing and hunting cabins.**
- **Guest rooms**

The definition from macmillan dictionary of shed:

shed DEFINITIONS AND SYNONYMS

DEFINITIONS3

a small building, usually made of wood, in which you store things

a bicycle/coal shed

Our gazebo was not used to store things. It was built for use by people, not storage of things, thereby putting shed on the 2018 permit, the County changed the use and violated R110.2. The 2018 permit has to reflect the 1992 use designation of Gazebo, since it was a repair permit. So, putting Gazebo/Shed is a change of use from 1992 to 2018. This is not permitted, because it is a repair permit, not an original structure. So, on the 2018 permit should state only "Gazebo". The Certificate of Occupancy also must reflect what on the original permit. That is what I am asking the Appeal Board change, our 2018 Permit and Certificate of Occupancy should only have on it GAZEBO.

C. 3. VIOLATION OF THE 2015 MICHIGAN RESIDENTIAL CODE R110.3

Another issue is if Certificate of Occupancy's are issued, they must meet what the permits are pulled for and restrictions cannot be added that were not on the 1992 or the 2018 Permits. The County violated the 2015 Michigan Residential Code Book : **Exhibit 40**

110.3 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 and all permit and plan review fees are paid, the building official shall issue a certificate of occupancy that contains all of the following:

11. Any special stipulations and conditions of the building permit.

The 1992 permit **Exhibit 6** stated Gazebo with no stipulations or conditions.

The 2018 permit **Exhibit 2** stated Gazebo/Shed with no stipulation or conditions.

The 2018 Certificate of Occupancy **Exhibit 24 states** "utility structure" with denied use to sleep or dwell in it, with restrictions not in the original permits.

The word Gazebo needs to be added on the Certificate of Occupancy. The document also had a stipulation that was not on any permit:

> **"STRUCTURE MAY NOT BE USED AS A DWELLING PER LEELANAU TOWNSHIP ZONING ADMISTRATOR CORRESPONDENCE DATED DEC. 12, 2017 AND BENZIE LEELANAU COUNTY HEALTH DEPARTMENT CERTIFIED LETTER DATED AUG. 13, 2015."**

Therefore, the Certificate of Occupancy cannot state stipulations or conditions that are not listed on the permits. Neither permit had any stipulation on it. The County cannot change use by putting a stipulation denying use that was not on the original 1992 permit or the 2018 permit.

This is violation of both R110.2 and R110.3 The County cannot add stipulation that are not on the permits onto the Certificate of Occupancy. **There is a purpose for this, a person needs to know the restrictions before they build or they may not build it if the restrictions deny use as intended.**

This was no accident it was done deliberately to deny our family use of our home. It took three years to get the permit. The State of Michigan Civil Rights Division had to require the County to issue the permit as settlement of a racial discrimination complaint. I am still be taxed as a home even today! **Exhibit 9.** The County, Chet Janik/Ty Wessel stated in 2017 at a meeting:

" Leelanau County has determined the existing structure is in violation of the building code. "

And,

" Leelanau County is MANDATING that the existing structure be removed."

And,

"Commissioner Wessell &C.A, Janik concerned that the existing structure is being occupied"

This was stated without any inspection since 1992 when it was approved.

The purpose of this was for deception to defraud! We will go into the fraud in more detail in the next section.

The County is responsible for a zoning violation if one existed if they approved the plans without zoning approval. If they issued a permit without approval from zoning, they are liable for damages. As, per there document: **"Requirements for A Permit"** a permit cannot be issued without full compliance with zoning **Exhibit 18.**

The County appears to be guilty of fraud and disparate treatment by issuing a Certificate of Occupancy in the way they did, not following the Codes, filing a fraudulent health and zoning issue.

D. COUNTY CONSPIRACY WITH TOWNSHIP TO COMMIT FRAUD TO DENY USE

The County's original plan to deny use was by the MANDATE of removal of the building. They simply planned to let the exposed building to be destroyed by the elements by not issuing a repair permit. This was an illegal condemnation process.

This was foiled, because the State of Michigan Civil Right Division required them to issue the permit. So, Plan B had to come into play. The above violations of the 2015 Michigan Residential Code book were just the beginning to set our family up to be sued by the Township. They had to have us violate the law by sleeping in our home and catch us in the act.

Under the township zoning ordinances:

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.

When Patmore stated:

"The current rear set back for all structures on this lot is 100'. The original existing structure is a non-conforming structure." Exhibit 14

Nonconforming does not mean something bad but is a good designation that protects older structures from changes in zoning ordinances. From **Exhibit 2** Affidavit of Carmine P. Avantini a specialist, consultant in zoning:

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."

Also, from the Leelanau County Zoning Ordinances:

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

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.

Mr. Patmore had full authority to approve the configuration as the building stands today. The way the County approved the building meets all codes and ordinances, including zoning! Thereby, the County wanted to fulfil the original MANDATE of Chet Janik the removal of the home and did that with coordination with the Township in their litigation. Their part was to out-law use, then have us come and violate that use.

The problem was they could not enforce the restriction because they did not know when we were on the property using the property. The home cannot be seen ever from the street and during the summer with tree cover cannot be seen from lot 12 our neighbor to the

North. Thereby it was impossible to enforce the restriction so an entrapment plan was determined.

On July 11, 2018 the Certificate of Occupancy was issued denying use. On July 19, 2018 Paul Hunter, the Building Official sent me an email **Exhibit 53**, requesting a reinspection of my fireplace, despite he was just there 8 days earlier. They needed an excuse to lure us up there, after the Certificate of Occupation was issued, denying use, to catch us violating the Certificate Restrictions.

This plan required coordination by requiring a second inspection so they knew when we were on the property so a private detective could be hired to spy on us. **Exhibit 52** the report we were sleeping in our home giving an excuse to sue as a zoning violation. If caught for such a zoning violation, it was a $100 ticket/citation not litigation. We spent over $25,000 on litigation for allegedly sleeping in our home! **Exhibit 54** shows the date of the inspection and the fireplace was approved as July 28, 2018.The Private Detective Report was for July 29 to July 30.

Exhibit 52 Private Detective Report:

"...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"... Mr. Hoogland escorted me near the property the adjacent property line to point out the structure. Mr. Hoogland also pointed the location of Mr. Wizinsky's car, illuminating it with a flashlight. It was located just east of the structure." ..." Mr. Wizinsky's vehicle was still parked in the driveway, it is apparent that Mr. Wizinsky , and family were indeed, were spending the night in as the interior of the building was all dark. ... (July 31)"It should be observed that it was parked in the same area as it was parked in the night before."

There are a lot of assumptions that we were sleeping in the home. No proof, just as Chet Janik and Ty Wessell stated:

"Commissioner Wessell &C.A, Janik concerned that the existing structure is being occupied"

We have come to the property with two cars before leaving one on the property and one in town. In the complaint, Todd Hoogland made to the Health Department we were living on the property. the place was not usable, but we left one car on the property and one in town. The car did not move because it was left there and the place was dark because we have no electricity. We also could have been down to the beach; we would have a bon fire on the beach and were not on the property when the detective saw the building dark. We also could have been sleeping in a tent when we were finishing up repairs on the home, that they did not see on the almost two acres of forested land. They flashed a flashlight at the car, through the woods some fifty feet from the car at night and said no one was in the car. We have slept in the car before when we arrive late when repairing the building, we have tinted windows and when in SUV, they would not see us. My wife said she had seen before someone flashing a flashlight at are car at night when we were in it. There is no way to prove definitively we were in the building sleeping. There are more possibilities why our car was in the drive and the building was dark.

I should have received a $100 fine if there was a zoning violation. A $100 fine was to be issued for sleeping in my home. I would have appealed it to the Zoning Board of Appeals! What evidence does the Township have that I was actually sleeping in the home, there was none. It cannot be proven without trespassing on my property coming into the home and see me sleeping in it, in a bed! Carmine P. Avantini an expert is zoning and part of his job is testifying as an expert witness. From his Affidavit **Exhibit 37**

MZEA is the Michigan Zoning Enabling Act which empowers zoning officials, but protects the rights of the individual with strict due process. Not to follow it is fraud!

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 "

Exhibit 52 Private Detective Report:

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

Township Supervisor Doug Scripps
Township Zoning Administrator Steve Patmore
Shore Board Members Todd Hoogland and Randy Harmon
Shore Property Owners Steve Holmes
Attorney Zeits, representing the Shores Association"

So, if we were guilty of sleeping in our home, it should have been a $100 fine. So, when the County falsified the second permit and changed the "use" they violated R110.2 to give a cause of action for the Township to sue us. When they added restrictions onto the Certificate of Occupancy, they violated R110.3, that it could not be used as a dwelling, thus sleep in it, the changed use was fraud. We were sued on a fraud!

Instead of paying $100 and have an appeal process we were sued directly costing us at this time over $25,000. The August 2018 meeting confirms conspiracy and the purpose was for the litigation with the Attorney present.

The letter attached to the Certificate of Occupancy **Exhibit 50** was an already resolved known issue from the Health Department which is another fraud! All parties knew, since they were all copied on the resolution; therefore, it was fraud attached to the Certificate!

E. THE HEALTH DEPARTMENT APPROVED CARRYING IN WATER AND A CHEMICAL TOILET

If you are not convinced of fraud from the above argument, in the Certificate of Occupancy there was another fraud: **Exhibit 24**

"STRUCTURE MAY NOT BE USED AS A DWELLING PER LEELANAU TOWNSHIP ZONING ADMISTRATOR CORRESPONDENCE DATED DEC. 12, 2017 AND BENZIE LEELANAU COUNTY HEALTH DEPARTMENT CERTIFIED LETTER DATED AUG. 13, 2015."

The Certificate in referencing the issue of the 2015 Benzie-County Letter **Exhibit 24** was a letter in response to a complaint filed in 2015 by Todd Hoogland the president of The Shores HOA. Hoogland stated we were living in our home. The letter is dated August 17, 2015. Because, the people of the Shores blocked every contractor from working for me with threats of litigation the trees were still on the building until mid- September, so the building was not usable. We left a vehicle in front of the property because the pathway was not in. Again, an assumption we were staying on the property when we could not. The Certificate of Occupancy restricting use did not occur until July 11, 2018. This letter was issued with no investigation. I immediately responded and the complaint was closed after the letter by Mr. Crawford, and found I was meeting the requirements of the Health

Department. Therefore, the letter was invalid! **In Exhibit 34, the emails** confirm the chemical toilet that we bought as recommended by Mr. Crawford was acceptable. In email by the Health Department from Bill Crawford to me on August 7, 2018 at 1:45 PM.

"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."

The County was fully aware that we were in compliance and always were, since from their own files are e-mails I received through FOIA. After the 2015 Letter, was more information from the County, had showing full compliance with the Health Department. since they were notified and forwarded the information in these emails. If we were not in compliance, we would have made to come into compliance in 2015 from the complaint.

Subject: RE: Gazebo on lot 11, the Shores 45-008-800-011-00
From: Bill Crawford <WCrawford@bldhd.org>
To: wwizinsky@aol.com <wwizinsky@aol.com>

Date: Wed, Sep 21, 2016 10:27 am

Mr Wizinsky,
I got your phone message earlier this week and your written response and am responding that the HD complaint matter is closed with my letter of September 13, 2016. If you have further questions, feel free to contact me at 231 256-0214.
Bill Crawford
Sanitarian, BLDHD

From:wwizinsky@aol.com [mailto:wwizinsky@aol.com]
Sent: Saturday, September 17, 2016 12:30 PM
To:BillCrawford;
shaugen@co.leelanau.mi.us; ltzone@leelanautwp.org; greenbrigid@gmail.com
Subject: Gazebo on lot 1 1, the Shores 45-008-800-011-00

Hi Mr. Crawford

Please find the attached response to your letter.

Hi Steve Haugen,
It was nice talking to you this week The attached letter is FYI,
Hi Steve Patmore, Please find the attached letter FYI,
Hi Brigid Hart, Please forward this e-mail to Todd Hoogland, I could not identify his email address.

The County further investigated the matter and the County and Township were fully aware I was in compliance with the Health Department based on their own documents I received through FOIA.

Bill Crawford<WCrawford@bldhd.org>
Monday, 19, 2016 8:37
Joe Hubbell
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

From the attached letter in the e-mail :

"During our conversation, you would be willing to use a commercial chemical toilet on the site on the site instead of the current rudimentary waste system if that would allow you to use of the property as you had previously done. I believe that would address environmental and health concerns regarding this matter and meet the intent the Leelanau County Environmental Health Regulations."

This letter was copied to Joseph Hubbell, Prosecuting Attorney, Steve Haugen Leelanau County Construction Code Official and Todd Hoogland, The Shores Homeowners Associations by both mailed and emailed to the County.

Everyone was fully aware of full compliance with the Health Department. Additional evidence is **Exhibit 34,** Mr Hubbell email sent on September 19, 2016 at 9:22 AM. asked about the water:

"What about the lack of a water system?"

Mr. Crawford responded the same day at 10:22 AM.

"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 requirement tenting on property."

When the County issued the Certificate of Occupancy with the limit based on the 2015 Letter **Exhibit 34**, which was referenced was an initial complaint letter. I immediately responded to the letter and the Health Department dismissed the complaint with a follow up letter and emails. All these documents are directly from County and Township Records through a 2017 FOIA request. Therefore, attaching a resolved issued by the Health Department was fraud when they were aware of full compliance!

F. FRAUD BY THE TOWNSHIP IN STATING NOT A DWELLING! PRESENT ZONING WOULD CALL HOME A SLEEPING QUARTERS/GUEST HOUSE

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)

I had a review of the original documents for the original construction by Joshua Mills of Benzie County a Zoning official. I built exactly to the approved plans and was issued a

Certificate of Occupancy for a Utility Structure while I had been taxed always as a

home Exhibit 9! Joshua Mills, **Exhibit 13**, in an Independent Compliance review for the Civil Rights Division from Benzie County/Frankfort Zoning Official also noticed the clerical error, but still called the structure a dwelling based on the tax assessment:

"I've had an opportunity to check out some of the specifics with your dwelling." And ***"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."***

Joshua Mills a Zoning Administrator refers to the home as a **dwelling** based on the tax assessment, showing a Zoning Administrator accepts the classification based on taxes. If it is taxed as a house it is a house. The Township Assessor is still taxing the home as home, despite the Township Zoning officials says it is not a dwelling because it does not say dwelling on a 30 year old Land Use **permit not prepared** by the Zoning official because on it; **"Permit will be numbered when ZA returns."**

There are numerous cottages, cabins taxed as homes, yet none of them meet the building codes for a four-season home. From the Township Zoning Ordinances.

COTTAGE - Any building or structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodging, houses, tourist homes or motels.

These structures are taxed as homes, like Plaintiff's home, but do not meet insulation requirements, are open stud structures with or without electricity or plumbing.

In talking to James Zimmerman, the Building Official of Benzie Township I shared my problem with him. When I told him, it is taxed as a house and labeled a utility structure. He said if it's taxed as a house it is a house. He explained why. In his County there are incidents where people build a pole barn, so they are taxed as a pole barn to save money on their taxes. They really turn it into a home so they can sell it later as a home. They

cannot sell it as a home if it states it's a pole barn on the permit because it is taxed as a pole barn. Even if the house is in compliance with all house codes, it is still a pole barn because that was what the permit was issued stating. It cannot change use. **Exhibit 40.**

People know the difference between a shed and a house! In the Settlement Agreement **Exhibit 3,** the Township now calls it as a dwelling again to limit use. The Township recognizes our home again as a home in the Settlement Agreement, because they needed to deny use. Thereby countering their own 12/12/17 email stating it was not a dwelling, based on a clerical error about 30 years ago. This reveals it always was a dwelling in the eyes of the Township as it has always been taxed as a home and the rest was fraud. From the Settlement Agreement:

"1. Defendants must list their property for sale within 30 days of the date of this agreement."

This is a requirement for the remedy for suing us, that we have to sell our property. I f do not sell our property in three years we have to move the home off the property to deny use of the property. As a professional in the business, I would not believe this could happen. That was the requirement for settlement of an alleged zoning violation. We have sell our property and move our home off the property. There zoning ordinances state $100 fine, not litigation. If the purpose was not racism, why this?

"5. Defendants may dwell on the property for no more than 18 nights per year starting the Friday of Memorial Day and ending on October 31. Steve Patmore will be notified 3 days prior to any night's stay."

It is a dwelling again, but why are there a limited number of days and why must I give notice of 3 days that am using his property to Mr. Patmore the zoning official. The

Township, Zoning Department or the Protective restrictions has no ordinances or authority to put these limitations of use for their property, specifically when I am being taxed as a home for a whole year.

"13. Defendants agree to no short term rentals."

How many short-term rentals of sheds occur in the middle of the woods? Again, this is showing the Township recognizes the home as a "dwelling" or vacation property and has commercial value as a weekly rental, not a utility structure. It appears we have the right for long term rentals on his home. As long as we do not use the home for more than 18 days a year. There are no deed restrictions or other HOA restrictions, or zoning ordinances denying this use by the Township and The Shores. The Township and The Shores lacked the authority to deny this property right to the us. These are not remedial actions. They have no authority to make us sell our property or move our home off the property. On the Certificate of Occupancy, it states it Gazebo/shed to limit use. despite it is elevated in the air has a kitchen, fireplace with all windows facing the water. It is taxed as a home **Exhibit 9.** The County, the Township and my neighbors did not want an African American in the neighborhood, she was 6 when this started, now she is 11. They did not want my daughter to inherit the property, (listed for sale at $445,000), a high-end property, where she could build a full season home and raise in the future an entire black family. So, the County/Township and The Shores worked together to remove us from the property to prevent her from inheriting it.

ARGUMENT 2: CERTIFICATE OF OCCUPANCY BECOMES BASIS OF LITIGATON FOR LEELANAU TOWNSHIP TO SUE WIZINSKY

A. TOWNSHIP BOARD MEETING 09/11/2018 VIOLATION OF MZEA AND OPEN MEETING ACT

The Township Board, their Attorney and Zoning Administer deliberately, knowingly violated the statutes to have a closed meeting violating the Open Meetings Act. The Shores did not have the funds to sue us for a fraudulent frivolous lawsuit. So, in an illegal operation on September 11, 2018 at a Township Board Meeting they asked the Board to become co-plaintiffs in the litigation to help pay for the frivolous litigation. From the agenda:

"CLOSED SESSION- THE PURPOSE OF THE CLOSED SESSION IS TO DISCUSS FOXVIEW HOMEOWNERS ASSOCIATION REQUEST." Exhibit 28

The agenda was fraudulent and deceptive. First Todd Hoogland the Shores president and Doug Scripts the head of the Township/Board are best friends according to the Michigan Civil Rights Division. The Township knows it is The Shores HOA because of Todd Hoogland and I have battle with the Township had been going on for three years. By falsify the agenda with Foxview HOA, there is no such HOA so nobody would care and then not attend. There is no notice about lot 11 or a zoning violation, where both would require an open meeting. The Township knowingly violated the MZEA and Open Meetings Act to embezzle public funds to assist a private entity's litigation the Township violated the Open Meeting Act, under 15.268 Closed sessions; permissible purposes. **Exhibit 30** by having a closed meeting and not meeting the criteria for a closed meeting.

They voted then with a motion for a closed meeting using the false HOA name. **Exhibit 29**

"MOTION PASSED 5-0

1. **IS IN CLOSED SESSION TO DISCUSS FOXVIEW HOMEOWNERS ASSOCIATION REQUEST."**

"2. ACT ON DISCUSSION FROM CLOSED SESSION

MOTION MADE BY DUNN, SECOND BY VAN PELT TO JOIN THE SHORES HOME-OWNERS ASSOCIATION AS CO-PLAINTIFF'S CONCERNING ZONING ORDINANCE VIOLATIONS, AS RECOMMMENDED BY TOWNSHIP ATTORNEY SETH KOTCHES. MOTION PASSED 5-0"

They got The Shores name correct in the actual motion for legal purposes, but just above they used the "Foxview" name. The Township knew they were violating the law and was disguising it. **" CONCERNING ZONING VIOLATIONS"** is the only public record of an alleged zoning violation, there is no other record other than the filed litigation by The Township.

The litigations should have been two separate lawsuits, but they needed a method to funnel public funds into or to share the costs of the litigation by The Shores.

Under the **State Constitution ARTICLE 9, §18 :**

" The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution."

The Retired Judged concurred the money was embezzled, since there was no zoning violation. The Township Board/Zoning Official violated the entire Michigan Zoning Enabling Act, which grants their authority and violation of the Open Meetings Act. The Township Board lacked legislative authority to sue directly. Thereby they embezzled the funds. They violated the State Constitution by partial funding and being joint-plaintiffs in the litigation. They violated the ex-parte communication by joining the litigation when government is supposed to be a neutral party.

THESE ARE DUE PROCESS VIOLATIONS!

Case law Settlement Agreements can be reversed.

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 agreement 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.").

Therefore. if the Zoning Board of Appeals sets it aside or reverses the decision, The Shores part of the settlement agreement is also thrown out.

B. NO ZONING VIOLATION AND NO PROTECTIVE RESTRICTION VIOLATION (from pleading Appellant me, Appellee Township /The Shores)

Appellant was told the reason by two different sources that it was racism. They have no reason to lie to Appellant, but have every reason not to come forward with what they know. Proof of racism will be that for a jury. Disparate treatment and fraud happened! Appellees have to give an alternate explanation why, if not racism!

Amy MacDonald also informed Appellant that Todd Hoogland The Shores president and Doug Scripps the Township Superintendent/Township Board leader are good friends. Doug Scripts is the boss of Steve Patmore.

The Township actually participated in the permit process. Zoning has to approve all plans for issuance of a zoning permit **Exhibit 18.** Zoning stated exactly what had to be done to use the 1992 Land Use permit for a building permit to be issued for zoning, **Exhibit 15**, after Amy MacDonald the investigator from the Civil Rights Division secured the permit through the

County. Steve Haugen the County Building Inspector approved the permit based on the e-mail below with the zoning requirements. Doug Scripts the Township Superintendent was copied on the email knowing full well zoning stated no Land Use permit was required if the exterior stairs and deck were removed. Yet the Township lead by Doug Scripts sued Appellant for not having a current 2018 Land Use Permit, when he fully knew we did not need one. They sued for a lot of items, yet none of them were valid, because if they were zoning they would have stated them in 2017, and Appellant would have been sued for them in 2017. Instead zoning states the solution below, **Exhibit 15**:

RE: Zoning/Building Solution for lot 11.

From: Steve Patmore <zoningadmin@suttonsbaytwp.com>
To: wwizinsky <wwizinsky@aol.com>; shaugen <shaugen@co.leelanau.mi.us>
Cc: ltsuper <ltsuper@leelanautwp.org>; ltzone <ltzone@leelanautwp.org>
Date: Thu, Dec 14, 2017 10:04 am
Attachments Letter Construction ...pdf (187 KB)

Mr. Wizinsky,

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

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

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

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

Steve Patmore

Plaintiff responded on the same day with **Exhibit 44:**

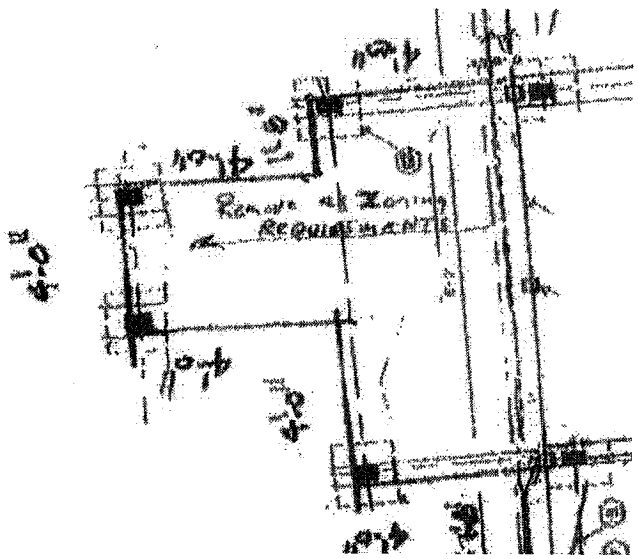
"From: wwizinsky <wwizinsky@aol.com>
To: zoningadmin <zoningadmin@suttonsbaytwp.com>; shaugen <shaugen@co.leelanau.mi.us>; wwizinsky <wwizinsky@aol.com>

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"

Eventually Appellant sent with further discussion what was ultimately approved **Exhibit 44** for the permit with no exterior stairs. **Exhibit 2** 2018 Permit and **Exhibit 44** Approved plans.



On the plans were Mr. Patmores written requirements on the approved plans, thereby there was no zoning violations, where no new 2018 Land Use Permit would be required.

Plaintiff repaired his home, "taxed as a home", exactly to the requirements by zoning which gave approval in writing to the building department. That writing was written on the approved plans with changes to the plans required by zoning. Plaintiff repairs were inspected and issued a Certificate of Occupancy, where it states on the document: **Exhibit 24**

"This is to certify that this building or structure has been inspected and constructed in accordance with the building permit and found to be in compliance with the permit, the code, and other applicable law and ordinances."

The County Building Inspector confirmed compliance with zoning and confirmed compliance with the approval in writing, **Exhibit 24**. Appellant built to the written requirements of zoning. The permit cannot even be issued without zoning approval as per the County's written "Requirements for a Building Permit", **Exhibit 18**. Thereby it is impossible for a zoning violation to exist since Plaintiff did what was requested by zoning and health.

That also goes for being sued directly for a non-existent Protective Restriction by the Shores. The contract requires a notice and a hearing. The Shores breached the contract in 2015 and in 2018. The Protective Restrictions is a two-way contract with protections in it of due process. Article 30 requires notice and a hearing, **Exhibit 25.** There was no violation of the Protective Restrictions. The Counts in the Federal Suit of breach of contract, interference with a contract and business relationship, stalking, harassment our all derived from denied due process. The Shores, their attorney violated Appellants due process rights when Appellant was not formally charged of a violation, found guilty with no hearing or defense. Like a lynch mob they tried to stop Appellant from repairing his home in 2015 without due process under Section 30. Remedies for violation -Invalidations:

" A breach of any of the covenants, conditions, reservations or restriction... breach of any thereof or continuance of any breach any be enjoined or remedied by appropriate proceedings by the revisionary owner or the owner of another lot in the subdivision but by no other person."

Furthermore, The Shores in a letter approved the repairs of the home. In 2015, The Shores granted approval for repair of his home in a letter sent to his attorney **Exhibit 10 "to protect the structural integrity of the structure".** Once the Defendant's did this, they showed they approved the structure and any historic or present issues of restrictions were waived. The filed

litigation is full of restriction violations from the original structure approval. The Shores could not grant that approval if Plaintiff was not in compliance. They accepted Tom Beeler's signature and all the previous Boards acceptance of any issues thus being waived for the original structure. Plaintiff put in significant time and money making the repairs based on the not required approval for the repairs, since that restriction has also been waived. **There was no protective restriction violation.**

C. DOES THE SETTLEMENT AGREEMENT MEET THE PURPOSE OF REMEDIAL ACTION UNDER LEELANAU TOWSHIP ZONINGS ORDINANCES, SECTION 10.6?

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.

The Settlement Agreement is an unbelievable document signed by the Township! **It is absolutely shocking! Read Exhibit 3, the settlement agreement.** This is not remedial action for moving the home to the correct setback, or height or a change to come in compliance with a zoning violation. No zoning violation is even mentioned in the Settlement Agreement to come into compliance. Thereby to **"compel compliance"** was not the purpose of the litigation. This was a fraudulent document from an illegitimate lawsuit to railroad our family out of town. We signed the settlement agreement under duress because it was unsafe to use our property. This was confirmed by the retired Judge.

"Keep your family safe, get them out of the County, sell your property and do not look back, accept that you will never be able to use your property again. You can never win this in that Court."

One reason we were sued, was we slept in our home, which became illegal because the Certificate of Occupancy called it a utility structure, yet taxing us as a home. The Township/The Shores had to hire a private detective to see if we slept in our home or we were even on our property because our two acres of land is heavily wooded and they do not even know we are on the property. The only reason we were up on the property was Paul Hunter wanted to inspect our fireplace a second time, he coordinated his inspection with the Township to know when we were on the property so they could have us spied upon. The report did not state they saw us sleeping in the home, but stated we were not sleeping in our car therefore we must be sleeping in the home. They flashed a flash light into our car windows some 50 feet a way through the woods at night, really! We could have been sleeping in a tent on two acres and they would not even know. We were sued for sleeping in our home versus issued a $100 fine. We spent over $25,000 in legal fees when there is no zoning violation, because of a fraudulent Certificate of Occupancy.

The Township recognizes our home again as a home in the Settlement Agreement, because they needed to deny use. Thereby countering their own 12/12/17 email stating it was not a dwelling. This reveals it always was a dwelling in the eyes of the Township as it has always been taxed as a home and the rest was fraud. From the Settlement Agreement:

"5. Defendants may dwell on the property for no more than 18 nights per year starting the Friday of Memorial Day and ending on October 31. Steve Patmore will be notified 3 days prior to any night's stay."

In a hearing one of The Shores people "attorney" they wanted this in there because we were of bad character and wanted to know when we were on our property. It is on the public record they actually said it. So, when we use our property, we have to tell Mr. Patmore when an African American is in the community.

"13. Defendants agree to no short term rentals."

Again, this is showing the Township recognizes the home. As long as we do not use the home for more than 18 days a year. There are no deed restrictions or other HOA restrictions, or zoning ordinances denying this use by the Township and The Shores. The Township and The Shores lacked the authority to deny this property right to the us These are not remedial actions. This is not remedial action to correct an alleged violation, it is a racist doctrine to deny use and ensure my daughter does not inherit the property by forcing the sale!

To sum it up what was done to the us was unlawful, violation of statutes, our constitutional rights, immoral and just unbelievable. It is clear the issue is not about the building, there are legal means to settle true violations of zoning issues. None of them were used. This was for denied use and to force our family from the community!

Two months after the issuance of the Certificate of Occupancy, **Exhibit 24** I was sued by The Shores and Township jointly together, directly, with no due process required by statute and by contract for a non-existent zoning violation and non-existent protective restriction.

Working for government, the Township cannot be a co-plaintiff with The Shores. Zoning is supposed to be a neutral party exparte. The Shores did not have the money to sue me. So in a closed meeting of The Township Board with a fraudulent agenda they voted to sue me. The Open Meetings Act and MZEA both require and open meeting and a public record. I should have been invited to the public hearing and be able to defend the charge. There was no charge and no documentation existed that night of voting for a zoning violation. I found out about the alleged zoning violation when served in October 2018. No Municipality operates that way.

D. <u>TOWNSHIP VIOLATION OF STATE CONSTITUTION USING PUBLIC FUND TO FUND PRIVATE LITIGATION.</u>

The Township violated the State Constitution ARTICLE 9, §18 :

" The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution."

By being co-plaintiffs they were using public funds for partially funding a private lawsuit. There should have been two separate lawsuits to ensure public funds not being misused and supporting a private lawsuit.

Since there was no zoning violation the Township Board embezzled public funds and not only to defraud me but then entire Township residents.

If the Settlement is reversed for any reason, the whole Settlement is dismissed, including The Shores section.

Burks v. Parker, 192 Ala. 250, 68 So. 271 (1915) (noting that when a settlement is obtained by fraud, the agreement may be set aside in its entirety);

Finally, if there is a zoning violation, it is the County's fiducial duty prior to issuing a permit that all zoning issues were resolved, thereby they are responsible for damages for failure of to ensure compliance with zoning before issuing a permit. Failure to catch the alleged zoning violation in 1992 approval from inspection and failure again in 2018 with the issuing of the Certificate of Occupancy. It took three years to get a permit, the County was aware of the issues. The permit process means nothing when the county wants you gone.

ARGUMENT 3: COUNTY DENIAL OF AN APPEAL PROCESS

(Pleading from Federal Case, Plaintiff is me Defendant is the County, Township/Shores Individuals)

Plaintiff filed an appeals letter to the County Commissioners in 2018 since he was told there is no appeal process.

The County, the Township and The Shores was fully aware of compliance with the Health Department since they were copied on all the emails from Mr. Crawford and asked specific questions about it. So, they knew complete compliance through the emails, yet the County made it an issue in the Certificate of Occupancy and the Township sued us for it. This is fraud!

Plaintiff called the Building Department immediately after the Certificate of Occupancy was issued and was told there was no appeal process. If Plaintiff was told there was a process, he would have appealed it. But instead Plaintiff was told there was no process thereby he mailed a certified letter to every County Commissioner and received the green card back showing it was received. **Exhibit 49**

The letters were copied and certified/received to the Building Department Paul Hunter, Chet Janik and Joseph Hubbell. Plaintiff request the decision be reversed **and no one responded.** The Building Department should have confirmed then from the letter and send Plaintiff the Appeal Process documents in August of 2018. Why did it take Plaintiff to receive the process from the County's Attorney on August 29, 2020? Because, no one gave Plaintiff the Appeal Process in 2018 from a written request to reverse the decision. In the Plaintiffs August 12, 2018 letter:

"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. Hubbell the prosecuting Attorney....Your fraudulent portrayal of the gazebo as a utility building does not even coincide with 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 fireplaces?.....

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?.....

Please Correct the record on your own."

Plaintiff did everything he could to get the issue corrected in 2018 and am appealing the decision presently. After finding out this year from the City of Novi the Appeal Process, the County still denied me the documents until threat of a Motion.

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*

Chet Janik wanted a reason forward your specific request and the rationale for filing an appeal.

Just give me the damn forms! Three years to get a repair permit for the home, exposed to three winters on a bluff on Lake Michigan. The winds tore off all attempts of keeping it dry. How would you like this to happen to your home!

In light of the issues of racism in Leelanau County, I am hoping the rule of law has any meaning in the community, and with the Appeals Board. If your decision is racist and in violation of the law it will be challenged in the Appellate Court. Like I said I have meet good people in the Township and County who do not approve of this behavior.

I am a licensed architect and contractor and do everything by the book there was no zoning violation. I am also appealing the decision of the Township Board to directly sue my wife and I for a non-existent zoning violation through an unlawful process, no due process violating the MZEA and Open Meeting Act to the Zoning Board of Appeals. The story occurs over 5 years with evidence of a conspiracy by the Township and County to deny use of our property. Therefore, although you only are dealing with the County Appeal it is important for you to understand the five-year history that caused the coordinated fraud.

Leelanau Township has charge over zoning on our property Lot 11, The Shores. The Michigan Zoning Enabling Act requires specific steps for charging someone with a zoning violation to protect the constitutional due process rights of the person being charged. This due process requirement is in zoning law is based on the US and State Constitution thereby not following it would not only be a violation of the Michigan Zoning Enabling Act, it would be also be violating

the due process rights under the US and State Constitution. The due process clause from the 14th Amendment:

"no State [shall] deprive any person of life, liberty, or property, without due process of law..."

No zoning department or municipality would sue a person directly without following the requirements of the Michigan Zoning Enabling Act, except this is acceptable in Leelanau Township. My wife and I were sued directly for a non-existent zoning violation. In doing this Leelanau Township denied us the protections under the statute and constitutions, MCL125. 3407.

I have used a response to a Township's Motion in the Court of Appeals as the basis of my story and appeal, which explains what occurred for why the Townships and County decision to defraud me. It was confirmed by the County to be in complete compliance with all codes and zoning. Just for your information the Township Motion was denied by the Court.

ARGUMENT 4: DISPARATE TREATMENT

I want justice. The Townships working with the County operations were a fraud and a scam. I was treated differently than all other people, in The Shores community, in the Township and County as typically required by Statute of all other Zoning/Building Departments in the State. What was done by Zoning/Building as told to us by other Zoning/Building Departments through the State was unlawful. I was treated with "disparate treatment", the question is why? Under Federal law, where there is no evidence of racial slurs, disparate treatment is used to prove racism. "**Once a prima facie case has been made out, the burden of production shifts to the**

defendant. Id., 362." It is the Townships obligation under this approach to state why they treated us differently than normal and denied due process and sued for non-existing violations.

Miko v. Commission on Human Rights & Opportunities
596 A.2d 396 (Conn. 1991)

In Miko v. Commission on Human Rights & Opportunities, 220 Conn. 192, 202, 596 A.2d 396 (1991), we explained that in analyzing housing discrimination claims under our state statutory scheme, "we are guided by the cases interpreting federal fair housing laws.... The elements of a prima facie case under the disparate treatment theory were first set forth by the United States Supreme Court in McDonnell Douglas Corporation v. Green, supra, in relation to employment discrimination claims. This court has applied the prima facie case established in McDonnell Douglas Corporation to housing discrimination claims brought under 46a-64a. Chestnut Realty, Inc. v. Commission on Human Rights Opportunities, 201 Conn. 350, 514 A.2d 749 (1986); Zlokower v. Commission on Human Rights Opportunities, supra. Under the disparate treatment theory, the plaintiff claiming discrimination in rental housing must prove that: (1) she is a member of the statutorily protected class; (2) she has applied for and was qualified to rent the unit involved; (3) she was rejected by the defendant landlord; and (4) the unit remained available thereafter. Zlokower v. Commission on Human Rights Opportunities, supra, 266. The plaintiff has the initial burden of offering evidence on the above elements adequate to create an inference that the refusal to rent was based on a discriminatory criterion. Chestnut Realty, Inc. v. Commission on Human Rights Opportunities, supra, 361. Once a prima facie case has been made out, the burden of production shifts to the defendant. Id., 362. If the defendant articulates a legitimate, nondiscriminatory reason for its action, then the burden shifts back to the plaintiff to prove that the given reason was pretextual. Id., 364. The disparate treatment standard thus leaves the burden of persuasion at all times with the plaintiff. Id., 363.

Harris v. Itzhaki
183 F.3d 1043 (9th Cir. 1999)

In Harris, after the plaintiff, an African-American woman, sought the assistance of a local housing organization, the organization employed housing testers to confirm her complaint that the defendant landlord treated prospective African-American and white tenants differently.
"We apply Title VII discrimination analysis in examining Fair Housing Act discrimination claims." Gamble v. City of Escondido, 104 F.3d 300, 304 (9th Cir. 1997). A plaintiff can establish a FHA discrimination claim under a theory of disparate treatment or disparate impact. Id. at 304-05.

Gay v. Waiters' and Dairy Lunchmen's Union
694 F.2d 531 (9th Cir. 1982)

Explaining that a disparate treatment case requires proof that plaintiff was "singled out and treated less favorably than others similarly situated"
While Title VII disparate impact cases are of little help to us in this case, the reasoning used to analyze the required prima facie showing in a Title VII disparate treatment case is of great assistance because it is nearly identical to the inquiry necessary in a section 1981 case. Since a prima facie section 1981 case, like a prima facie disparate treatment case under Title VII, requires proof of intentional discrimination, the focus of the judicial inquiry must be whether the plaintiff has proven by a preponderance of evidence facts from which the court must infer, absent rebuttal, that the defendant was more likely than not motivated by a discriminatory animus. Under both statutes, the court must make a sensitive inquiry into the direct and circumstantial evidence of discrimination offered by the plaintiff in order to determine if the facts so proved allow a legally-permissible inference of discriminatory intent. Accordingly, it is not inappropriate to allow section 1981 claimants to avail themselves of Title VII discriminatory treatment standards in proving a prima facie case. See Hudson v. IBM Corp., 620 F.2d 351, 354 (2d Cir.), cert. denied, 449 U.S. 1066, 101 S.Ct. 794, 66 L.Ed.2d 611 (1980).

I do not have to prove racism to the Appeal Board. Racism is a motive, but the real issue is denial of due process which violated the US Constitution and Michigan Constitution. First of all, there is no just reason for denial of Due Process for any reason. If it is not racism, why did they violate our Constitutional Due Process rights? Why did they sue directly? Why did the Settlement Agreement not ask us come into compliance? The purpose of any litigation concerning violations is remedial action! I could have rebuilt/move the home on any location on the site to any standard and done anything required by us to correct any alleged violation? They did not want that; they wanted our family gone and that was made clear in mediation.

ARGUMENT 5: DISCRIMINATION

The retired Judge from the same courthouse was correct when he told me:

"Keep your family safe, get them out of the County, sell your property and do not look back, accept that you will never be able to use your property again. You can never win this in that Court. "

All this started happening after the adoption of our mixed race African American daughter. There was a recent incident in Northport where a building was spray painted with racist statements including KKK. Just a few miles from our home. The recent incident by Leelanau County Road Commissioner using the N word in a public meeting is known across the state. The County Commissioners only made things worse, trying to write an anti-racial resolution. These are the same people that I wrote to **Exhibit 49** for an appeal. The meeting showed racist attitudes comparing abortion to racism and making racist comments about black aborted babys shows a culture of racism in the thinking of the government officials. The County is very much an all Caucasian community other than having a Native American reservation. I cannot rule out this as the motive. The items that make me believe this racism be the motive was I was told by two public official and:

- We used his property for 23 years without a single complaint.
- All our problems with our neighbors, the Township and County problems came after we adopted our African American daughter.
- Our home was broken into and vandalized and the prosecuting attorney stated it a civil matter.
- The home is taxed as a home but denied a dwelling until the Township admits it is a dwelling again in the Settlement Agreement.
- Despite Mr. Patmore seeing it was taxed as a home with his initials on a tax statement, he then later calling it not a dwelling. This just denied use by the Wizinskys not demolition. The Township then admitted it was a home again in the settlement agreement

- The County denying use in the issuing the Certificate of Occupancy calling it a utility structure, when it is clear it does not look or function like one. This again just denies use of the building by us, not demolition.
- The County issuing a Certificate of Occupancy for an accessory building on a single-family is fraud. It was a deception for the purpose of denied use when a sticker should have been placed on the property showing code approval.
- The Certificate had fraudulent documents attached for the purpose to deny use
- The limited use of 18 days a year of his home, keeps usage to a minimum. The aspect of me reporting to Mr. Patmore when we come up to use his home was to let The Shores to let them know when an African American is present. They actually stated in Court The Shores wanted to know when I was on my property!
- The big issues are required to sell our property and remove our home. If we sell our property our family is out of the community and then there is no African in the community. More important our daughter will not inherit our property. After three years we have to remove our home if he does not sell it. This denies our family staying in The Shores since camping on the property is not allowed, there by his daughter will not be sleeping in The Shores waiting for the sale. If we wanted to build a full season home all parties could make that a most difficult and expensive process, again denying us our property rights.

What happen to the us was not only a violation of statute and the US and State Constitution, it is shocking, appalling and immoral! There is no doubt what happened to is "disparate treatment" I know of no municipalities that treat people like this. This **misuse** of the authorities endowed by

the legislature on zoning, building and public officials is **racial discrimination**. Most zoning departments follow minimally the due process of the law.

So, the decision made by the Construction Board of Appeals is bigger than an unlawful interpretation, it is what you want this country to stand for. If you allow our rights to be trampled on, it may be your rights taken away down the road. This can happen to anyone one for any reason, if the municipality wants you gone, they can make it happen. Your Board has the authority to state that the U.S Constitution rights matters and is a protected document, rule of law matters and systemic racism has no place in Michigan!

CONCLUSION

Leelanau Township Board, Zoning Official and Leelanau County Building Department, Chet Janik and others County Officials and Commissioners committed fraud with their attorneys committed fraud on us and the Township residents who funded the fraud with embezzled tax money.

The great late hero, U.S. Representative John Lewis, stated if you see something wrong, you need to try to fix it. As his words I am causing "good trouble" ! This is ensuring this practice of violating the statutes by public officials that empower them; denial of due process; violation of Constitutional Rights of the public; violation of the Code Book and systemic racism ends in 2020 in the State of Michigan. That is our purpose in fighting this. As a citizen of this great Country it is our patriotic duty to protect the US Constitution and those rights given in it. My father and Uncles fought in WWII to protect those freedoms. Many of that generation died or were

mutilated by that war. My Uncle Jack was in a wheel chair from the war and lived a short life after the war. It is clear these public officials if they took an oath of protecting the U.S Constitution, they violated that oath by trampling on the Constitution by violating Constitutional Law of "due process". As an architect and father this abuse of authority and misuse of the zoning and building department as weapons of systemic racism has to end. This is Michigan and it is the year 2020, yet Leelanau County is still believing these 1950-1960's practices are still tolerated. So far it appears that they are by Michigan! So, the decision made by your Construction Board of Appeals is bigger than a code violation, it is what you want this country to stand for. If you allow our rights to be trampled on, it may be your rights taken away down the road. This can happen to anyone one for any reason, if the municipality wants you gone they can make it happen. Your Construction Board has the authority to state that the U.S Constitution rights matters and is a protected document, rule of law matters and systemic racism has no place in Michigan! I was told by two people a County Public Official and a Retired Judge the reason this happened was racism, and I have no reason to not believe that was the motive. The motive is a secondary issue, to the bigger issue, denial of all due process rights and the fraud. The County denied my family the right to repair our home by red tagging the home and I had to wait three winters for a repair permit. The State of Michigan Civil Rights Division had to require the repair permit to be issued! That is a how a white family with a "black" child has to get a repair permit in Leelanau County. The County had to come up of a new plan to rid the County of the Wizinskys and deny use at the same time. They had to violate the 2015 Michigan Residential Code R110.2 and R110.3 by changing the use in the 2018 permit and by adding unlawful fraudulent restrictions in the 2018 Certificate of Occupation. They then denied use as a home when still being taxed as a home. They then created a false violation of the zoning ordinance, and entrapped Wizinsky to violate

the fraudulent restriction. They coordinated with the Township so they knew when Wizinsky was on the property. A private detective was hired and made a report where he saw our lights were out and it did not appear, we were sleeping in the car. His assumption was iffy at best, and would not hold up in a Court of Law. After receiving a Certificate of Occupancy stating complete compliance with zoning ordinances and codes. We were sued two months later by the Township for sleeping in our home.

There was no zoning violation or protective restriction violation. The litigation was a tool of a bully! I should have received a $100 fine if there was a zoning violation. **Exhibit 37**

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 "

I have been visiting Northport for 30 years and have family and friends in the community, I know your community has good people! I wanted my daughter to know your town, the people and the natural beauty of the County. I talked to over 300 people last year, the majority of the people are not racists, yet many of your community shared their racist incidents with me. Racism is in your government.

The Township Board and Chet Janik wanted our family gone, so they violated the law and our due process rights under the US Constitution. The Township embezzled public funds for their

and the County's scam. They forced us off our land of 30 years through their illegal actions and threats. This is the actions of an authoritarian government and not that of a democracy. My goal is to expose this and hopefully the County/Township people will oust these backward thinking public officials from public office. Over 70% of the U.S. population no longer buys into racist policies and they need to end. If the Construction Board of Appeals understand the misuse of public authority, violation of the code book and the denial and legality of the permit process, the system becomes arbitrary and can be weaponized as it was in our case. You as a Board Member has to say: No, not on my watch! If you do not it will be immediately appealed in Court of Appeals.

The Construction and Zoning Board of Appeals must know not a single zoning authority would sue directly and not follow the rule of the MZEA, the Code Book. The Act requires notices, citations and hearings for appeal. This is confirmed in **Exhibit 37.**

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.

The County by blocking the Appeal process, also denied due process. The Construction Board of Appeal should ask Doug Scripps and Chet Janik on record why they did they do this? There is no justification for violation of the codes and statutes! If it was not racism, by what authority or policy caused this to happen?

Therefore, I am requesting the Construction Board of Appeal to reverse the damage to our property rights, issue a sticker and destroy the Certificate of Occupancy, if not issued to Accessory Structures. If Certificates of Occupancy are issued; change the 2018 Permit to Gazebo! Change the Certificate of Occupancy to GAZBO with no restrictions. If you are pissed, let the County know, this is not accepted behavior of the community!

Respectively submitted,

William G. Wizinsky
250 Pleasant Cove Drive
Novi, MI 48377
wwizinsky@aol.com
(248)219-1225

Dated: September 6, 2020