

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

CITY OF NOVI, a Michigan Municipal Corporation,

Plaintiff,

vs.

Emanuel N. Malles II,

Defendant.

2022-193912-CZ

Case No. 2022-
Hon.

-CZ

JUDGE YASMINE I. POLES

ROSATI, SCHULTZ, JOPPICH, &
AMTSBUECHLER P.C.
Thomas R. Schultz (P42111)
Elizabeth K. Saarela (P60265)
Attorneys for City of Novi
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331-3550
(248) 489-4100
tschultz@rsjalaw.com
esaarela@rsjalaw.com

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge.

**VERIFIED COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

Jurisdiction and Venue

1. Plaintiff City of Novi ("City") is a Michigan Municipal Corporation, situated in Oakland County, State of Michigan, with its principal offices located at 45175 Ten Mile Road, Novi, Michigan 48375.

2. Defendant, Emanuel N. Malles II, is a residential property owner of 135 North Haven, Novi, MI 48377, which is located in the Lake Wall Subdivision, City of Novi, Oakland County. **Exhibit A.**

3. This case involves the illegal use of Lot 9 of the Lake Wall Subdivision, a vacant residential lot fronting on Walled Lake. Lot 9 is approximately 0.14 acres in area and approximately 40.00' wide by 150.00' deep. The legal description of the parcel is T1N, R8E, SEC 3, LAKE WALL SUB LOT 9, Parcel Number 50-22-03-204-014. It is wholly located within the City of Novi, Oakland County, Michigan. **Exhibit B.**

4. Plaintiff City seeks declaratory and injunctive relief within the exclusive jurisdiction of this Circuit Court, and in view of the fact that the subject matter of this case is situated in Oakland County, Michigan, venue is proper in the Oakland County Circuit Court.

General Allegations

5. Plaintiff City incorporates Paragraphs 1 through 4 as though fully set forth herein.

6. Lot 9 is a vacant residential lot owned privately owned for purposes of lake access Daniel L. and Jean L. Bentley and/or their estate, as proprietors of the Lake Wall Subdivision. Upon information and belief, the Bentleys were developers of the Lake Wall Sub built in 1919, who created Lot 9 as a common usage lake access lot for the lot owners of the Lake Wall Subdivision. The Bentleys provided the purchasers of lots in the Lake Wall Subdivision with only a ***right-of-way*** over the privately owned Lot 9 to the waters of Walled Lake, and not the right to install a dock, moor boats, launch boats or other watercraft, store boats or dock materials on the property.

7. Until 2006, the residents of the Lake Wall Subdivision enforced the restrictions provided in Paragraph 6, prior to 2006 there was no dock installed on Lot 9. However, Defendant Malles, upon information and belief, has since 2006 installed a dock and operated his own marina on Lot 9. For each year since 2006, Defendant Malles has unlawfully expanded the dock and marina, stored his dock, boat, and watercraft materials on Lot 9, and encouraged the storage of

other Lake Wall Subdivision residents to unlawfully store boats and watercraft materials on Lot 9.

Exhibit C.

8. Defendant Malles, upon information and belief, is the lead organizer of the Lot 9 dock and he charges money to the residents of the Lake Wall Sub to moor their boats and provide for additions to the installed dock. **Exhibit D.**

9. Upon information and belief, there are multiple users (up to 10) of this lot as a marina in violation of City Ordinance, and as the users and/or additional proprietors of the marina become known, Plaintiffs will seek to include additional defendants to this suit.

10. On June 9, 2006, The Michigan Department of Environmental Quality conducted an investigation and identified Defendant Malles as the property owner in the Lake Wall Subdivision, whom excavated 40 feet of shoreline, installed a boulder seawall, installed a dock, and was operating an unauthorized marina on the property used for subdivision lake access.

Exhibit E.

11. The Department of Environmental Quality advised Defendant Malles to stop all unauthorized activity and bring Lot 9 into compliance with Part 301, Inland Lakes and Streams of the Natural Resources and Environmental Protection Act, 1994, PA 451, as amended, by removing the boulder seawall and permanent dock. Despite such notice, Defendant Malles has not complied with this request and has subsequently installed, or allowed installation of, additional dock footage to unauthorized dock on Lot 9.

12. On May 28, 2012, the City became aware that Defendant Malles has refused to allow residents of the Lake Wall Subdivision who do not pay for dock space access to Lot 9.

Exhibit F.

13. On June 26, 2013, the City posted a notice on Lot 9, which proscribed the unlawful use of the property as the placement of a substantial dock in the water shore of Lot 9, and during

the winter months the storage of a significant amount of material, including boat hoists on the property. The notice specifically referred to City of Novi Code of Ordinances, Lakefront Protection Ordinance, Section 36-62, which sets forth the minimum requirements for the use of lakefront property for lake access for properties not located on the lake front. The notice demanded that the dock be removed from the water and seasonal storage of material on Lot 9 cease. **Exhibit G.**

14. Despite this notice, Defendant Malles continued to operate a dock and use the property for storage in the winter months. **Exhibit C.**

15. On November 15, 2013, the City posted a Notice of Violation on the property, which stated that all Property Owners in the Lake Wall Subdivision were in violation of Section 36-62(2). **Exhibit H.**

16. Despite this second notice, Defendant Malles continued to operate and maintain a dock on Lot 9, charge residents of the Lake Wall Subdivision moneys to moor their boats and provide for additions to the installed dock, and use the property for winter storage of the unlawful dock.

17. The City has subsequently sent notices to cease and desist using Lot 9 in violation of City Ordinance. **Exhibit H**

18. The City is not aware of any record of a dock ever existing on Lot 9 at any time prior to the installation by Defendant Malles.

19. The City has continued to receive complaints from surrounding property owners regarding the unlawful use of Lot 9 as an unauthorized Marina.

Count I. Declaratory and Injunctive Relief
Violation of the Zoning Ordinance/Nuisance *Per Se*

20. Plaintiff City incorporates Paragraphs 1 through 19 as though fully set forth herein.

21. Lot 9 is located in an R-4 One-Family Residential zoning district under the City's zoning ordinance, Appendix A of the city's Code of Ordinances. The zoning ordinance was

adopted under the authority of the City and Village Zoning Act, MCL §125.581, *et seq.*, as amended and the Michigan Zoning Enabling Act, Act No. 110, Public Acts of 2006, MCLA §125.3101 *et seq.*

22. The principal permitted uses allowed in an R-4 district are set forth in Section 3.1.5.B of the ordinance, and the special land use allowed are set forth in Section 3.1.5.C of the ordinance. **Exhibit I.**

23. A dock and/or boat mooring are not uses of Lot 9 authorized as principal permitted uses or special land uses under Section 3.1.5.B or 3.1.5.C. See **Exhibit J.**

24. Defendant Malles development of a boat dock facility for use by Lake Wall Subdivision residents, and the mooring of boats in connection with such use, is more accurately described as a multiple family use, or a commercial use, depending on its operation. It therefore constitutes an illegal use of Lot 9 as a marina development in the R-4 single-family zoning district. **See Exhibit J.**

25. Section 4.19 of the zoning ordinance permits accessory uses in connection with a permitted single-family use. There is no home on Lot 9. It is a vacant lot in a platted subdivision. Lot 9 therefore is not improved with a permitted principal use existing at this time. The use of Lot 9 for a use other than a principal permitted use is a violation of the zoning ordinance. See **Exhibit J.**

26. Defendant Malles' development of a boat docking and mooring facility for use by Lake Wall Subdivision residents is not an accessory use of Lot 9.

27. Pursuant to MCLA §125.3407, uses of land in violation of local ordinances or regulations adopted under the authority of the Zoning Enabling Act are nuisances *per se* that ***shall*** be abated by court order.

28. The noise, danger, and other health, safety, and welfare issues associated with Defendant Malles' use and encouragement of the property as a marina, used by multiple families, or others, who have no ownership of the property, is not contemplated or included as a permitted use under the City's zoning ordinance.

29. At the time the City's zoning ordinance was adopted, Lot 9 was either not used or was used only for pedestrian right of way by the owners of property in Lake Wall Subdivision to the waters of Walled Lake. Lot 9 was not improved with a dock or similar boat mooring facilities. Lot 9 therefore does not enjoy non-conforming use rights under the zoning ordinance or applicable zoning statutes.

WHEREFORE, Plaintiff City of Novi respectfully requests the following relief:

A. Entry of an order to show cause setting a prompt hearing date compelling the Defendant to appear and show cause why a preliminary injunction should not issue requiring the removal of the illegally installed dock on Lot 9 until such time as Defendant complies with the City's Code of Ordinances, including the zoning ordinance.

B. Issuance of a declaratory judgment setting forth the limitations of allowable uses of Lot 9 under the City Code of Ordinances.

C. Granting of a permanent injunction to prohibit the installation of a dock on Lot 9 or the mooring of watercraft in the waters adjacent to Lot 9 until such time as Defendant demonstrates compliance with the applicable provision of the City's Code of Ordinances.

D. Granting of such other relief to Plaintiff City as the court deems just and appropriate under the circumstances.

Count II. Declaratory and Injunctive Relief
Violation of Lakefront Park Ordinance

30. Plaintiff City incorporates Paragraphs 1-29 as fully set forth herein.

31. The City has adopted an ordinance commonly referred to as the "Lakefront Park Ordinance," Section 36-61 *et seq.* of the Novi Code of Ordinances, which sets forth the minimum requirements for the use of lakefront property for lake access for properties not located on the lake front. **Exhibit K.**

32. The ordinance was adopted under the City's general police powers and not pursuant to its zoning authority granted by the State of Michigan. Therefore, Defendant, even if he owned Lot 9, could not acquire vested rights to use the Lot as a marina without approval under the Lakefront Protection Ordinance . Zoning theory of vested rights does not apply to a regulatory ordinance. *Renne v. Twp. of Waterford, Oakland Cty.*, 73 Mich. App. 685, 252 N.W.2d 842 (1977)

33. Lot 9 cannot be used to provide lake access for boat mooring or docking, or boating access or similar lake usage to the owners or occupants of adjacent or neighboring subdivisions unless the parcel meets the standards for a non-public lake front recreational park in accordance with the requirements of Section 36-62(2). See **Exhibit J.**

34. Lot 9 does not meet the minimum standards set forth in the ordinance, as it lacks the minimum area and the minimum frontage, and the necessary frontage for a dock facility to permit the mooring of water craft. Section 36-62(4) and (5). See **Exhibit J.**

35. Lot 9 has a maximum 40 feet of lineal lake frontage, and a total of 6,000 square feet of area. Therefore, Lot 9 does not meet the minimum requirement of 200 lineal feet of lake frontage nor the requirement of 20,000 square feet of area required for the property to serve as a lakefront recreational park. Section 36-62(4). See **Exhibit J.**

36. The installation and maintenance of boat mooring or docking facilities is not permitted on Lot 9 because Lot 9 does not qualify as a lakefront recreational park. Section 36-62(2), (4), and (5). See **Exhibit J.**

37. Defendant Malles installed the original dock on Lot 9, continued to maintain and expand the dock, collect installation and maintenance fees from Lake Wall Subdivision residents, and operate the dock as a marina for over 12 boats after the June 9, 2006, Department of Environmental Equality letter informing him that the continued installation of the dock would be a violation of Part 301, Inland Lakes and Streams of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. **Exhibit E.**

38. Defendant Malles installed the original dock on Lot 9, continued to maintain and expand the dock, collect installation and maintenance fees from Lake Wall Subdivision residents, and operate the dock as a marina for over 12 boats after the June 26, 2013, letter advising all Lake Wall residents that installation of the dock would be in violation of the City Ordinance. **Exhibit G.**

39. Defendant Malles installed the original dock on Lot 9, continued to maintain and expand the dock, collect installation and maintenance fees from Lake Wall Subdivision residents, and operate the dock as a marina for over 12 boats after the November 15, 2013, notice of violation advising all residents of Lake Wall Subdivision that installation of the dock would be in violation of the City Ordinance. **Exhibit H.**

40. Since the dock installation, Defendant Malles has expanded the dock and has moored boats at the dock or encouraged such activities to occur.

41. The installation and expansion of a dock improvement on Lot 9 violates the City's Lakefront Park Ordinance, Section 36-62.

42. The mooring of boats in the waters adjacent to Lot 9 violates the City's Lakefront Park Ordinance, Section 36-62.

43. Any non-single family residential recreational use of Lot 9 by Defendant Malles other than for pedestrian access to the waters of the lake violates the City's Lakefront Park Ordinance, Section 36-62.

44. Any use or activity in violation of the terms of the City's Lakefront Park ordinance constitutes a nuisance *per se* and may be abated by order of a court with competent jurisdiction, Section 36-64.

WHEREFORE, Plaintiff City of Novi respectfully requests the following relief:

A. Entry of an order to show cause setting a prompt hearing date compelling the Defendant to appear and show cause why a preliminary injunction should not issue requiring the removal of the illegally installed dock on Lot 9 until such time as Defendant complies with the City's Code of Ordinances, including Section 36-61 *et seq.*

B. Issuance of a declaratory judgment setting forth the limitations of allowable uses of Lot 9 under the City Code of Ordinances, if any.

C. Granting of a permanent injunction to prohibit the installation of a dock on Lot 9 or the mooring of watercraft in the waters adjacent to Lot 9 until such time as Defendant demonstrates compliance with the applicable provision of the City's Code of Ordinances.

D. Granting of such other relief to Plaintiff City as the court deems just and appropriate under the circumstances.

Count III. Public Nuisance

45. Plaintiff City repeats and realleges Paragraphs 1 through 44, above as though fully set forth herein.

46. The docking or mooring of multiple boats from a property zoned for single-family residential use amounts to a violation of the City's zoning ordinance.

47. This violation exists immediately adjacent to existing single-family homes.

48. Lot 9 is not of a size or shape to support such an intense use and activity, inasmuch as it is only approximately 40 feet wide. **Exhibit B.**

49. Defendant Malles' installation of the dock on Lot 9, continued to maintenance and expansion of the dock, collection of installation and maintenance fees from Lake Wall Subdivision residents, and operation of the dock as a marina for over 12 boats is an unreasonable interference with the City's, adjacent residents', and the general public's right to use and enjoy Walled Lake.

50. Unless Defendant Malles is enjoined from using and encouraging the use of Lot 9 essentially as a marina and as a multiple-family use, the City, the adjacent residents, and the general public will be irreparably harmed by (a) the permitting of a use that does not conform with the City's zoning ordinance; (b) the permitting of a use and activity on property that is fundamentally contrary to a residential use of the property; (c) the permitting of a use that will substantially alter the residential nature of the property and surrounding area and will substantially increase traffic, noise and pollution; (d) the permitting of a use and activity that will disrupt and breach the peace of surrounding passive residential uses; and (e) the permitting of a use that significantly interferes with the public's safety, peace, comfort, and convenience.

51. The City has no adequate remedy at law.

WHEREFORE, Plaintiff City of Novi respectfully requests the following relief:

A. Entry of an order to show cause setting a prompt hearing date compelling the Defendant to appear and show cause why a preliminary injunction should not issue requiring the removal of the illegally installed dock on Lot 9 and further enjoined from using Lot 9 for any use other than pedestrian right of way to the waters of Walled Lake.

B. Issuance of a declaratory judgment setting forth the limitations of allowable uses of Lot 9.

C. Granting of a permanent injunction to prohibit the installation of a dock on Lot 9 or the mooring of watercraft in the waters adjacent to Lot 9.

D. Granting of such other relief to Plaintiff City as the court deems just and appropriate under the circumstances.

ROSATI, SCHULTZ, JOPPICH,
& AMTSBUECHLER, P.C.

/s/ Elizabeth K. Saarela
THOMAS R. SCHULTZ (P42111)
ELIZABETH K. SAARELA (P60265)
Attorneys for City of Novi
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331-3550
(248) 489-4100

EXHIBIT A

LIBER 17693PC385

\$ 7.00 DEED
\$ 2.00 RECONVOLUTIONATION
16 OCT 97 1:32 P.M. RECEIPT# 25H
PAID RECORDED - OAKLAND COUNTY
LYNN D. ALLEN, CLERK/REGISTER OF DEEDS

QUIT-CLAIM DEED

Order No.: T97-58495

KNOW ALL MEN BY THESE PRESENTS: That:

EMANUEL N. MALLES, II, A SINGLE MAN, AND STACEY L. NEWMAN, A SINGLE WOMAN
whose address is 135 N. Haven, Novi, MI 48377

Quit-Claim(s) to

EMANUEL N. MALLES, II
whose street number and post office address is 135 N. Haven, Novi, MI 48377

the following described premises to-wit:

Land in the City of NOVI, OAKLAND County, State of MICHIGAN,

Lots 48 and 49, of LAKE WALL SUBDIVISION, according to the plat thereof as recorded
in Liber 20, Page 15 of Plats, OAKLAND County Records.

Commonly known as: 135 NORTH HAVEN

Tax Item Number: 22-03-202-001

20015

for the sum of EXEMPT UNDER MSA 7.456(5)(a) AND EXEMPT UNDER MCL 207.526(6)(a)

Dated this the 24th day of September, 1997

Signed in the presence of:

Witness Sharon R. Johnson

Witness Stacy L. Newman

EMANUEL N. MALLES, II
Stacy L. Newman
STACEY L. NEWMAN

STATE OF MICHIGAN)

COUNTY OF OAKLAND)

>ss.

The foregoing instrument was acknowledged before me this 24th day of September, 1997 by
EMANUEL N. MALLES, II, A SINGLE MAN, AND STACEY L. NEWMAN, A SINGLE WOMAN.

SHARON R. JOHNSON
Notary Public, Oakland County, Michigan
My Commission Expires August 15, 1998

Sharon R. Johnson
Notary Public

My Commission Expires August 15, 1998

OAKLAND County, Michigan

Instrument Drafted by:
KENNETH J. KURNICZ
32826 FIVE MILE, STE 105
LIVONIA, MI 48150

When recorded return to:
EMANUEL N. MALLES, II
135 N. HAVEN
NOVI, MI 48377

O.K. - KB

7.00
+ 2.00
9.00
1.00

9

Ta 87-303534

WARRANTY DEED
STATUTORY FORM
FOR INDIVIDUALS

LIBER 15824 PG 705

Nov 17 95 227805

KNOW ALL MEN BY THESE PRESENTS: That Edith Colette also known as Edith E. Colette
whose street number and postoffice address is 3333 Duffield
White Lake, Michigan 48383
Convey and Warrant to Emanuel M. Malles II, an unmarried man and
Stacey L. Newman, an unmarried woman, A/K/A
whose street number and postoffice address is 31156 Beachwalk Drive
Novi, Michigan 48377
EMANUEL MALLES II
AND STACEY NEWMAN

the following described premises situated in the City of Novi, County of Oakland and State
of Michigan, to-wit:

Lots 48 and 49, Lake Wall Subdivision, as recorded in Lib 87-303534 Page 15, of Plats,
Oakland County Records.

Item No. 22-03-202-001

20015
\$ 2.00 REMUNERATION
\$ 498.80 TRANSFER TAX (COMBINED)
17 NOV 95 2:03 P.M. RECEIVED 1995
PAID RECORDED - OAKLAND COUNTY
LYNN D. ALLEN, CLERK/REGISTER OF DEEDS

More commonly known as: 135 Northhaven, Novi, Michigan 48050

for the sum of FIFTY EIGHT THOUSAND AND 00/100, (***\$58,000.00*) Dollars

subject to Existing building and use restrictions, easements of record and zoning
ordinances, if any.

Dated this 10th day of November, 1995

Signed and Sealed in presence of

Signed and Sealed:

Sharon Trafton
SHARON TRAFTON
Nancy S. Gibson
Nancy S. Gibson

Edith Colette
Edith Colette
aka Edith E. Colette

100
200
C-16380
S-143500
T-149880

STATE OF Michigan)
COUNTY OF Oakland) ss.

The foregoing instrument was acknowledged before me this 10th day of November, 1995

by Edith Colette also known as Edith E. Colette

SHARON TRAFTON
Notary Public, Oakland County, MI
My Commission Expires May 5, 1999

My Commission expires _____, _____ Notary Public, OAKLAND County, Michigan

County Treasurer's Certificate

City Treasurer's Certificate



REAL ESTATE
TRANSFER TAX
\$ 63.80-COUNTY
\$ 435.00-CITY
\$1000.00-TOTAL

1498.80

After recording return to:
Emanuel M. Malles II
135 Northhaven
Novi, Michigan 48050

Drafted By:
Edith Colette
Prudential Country Homes
1500 S. Milford Road
Highland, Michigan 48377
303534

Form No. K-960

OAKLAND COUNTY TREASURER'S CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIES or
TITLES held by the state or any individual against the
within description, and all TAXES on same are paid for
two years previous to the date of this instrument, and
I have by the records in the office except as stated.

1.00
11-16-95
CP
11-16-95
OAKLAND COUNTY, County Treasurer
Lynn D. Allen, Clerk/Registrar

000090

O.K. J.S.

WARRANTY DEED
STATUTORY FORM
FOR INDIVIDUALS

LIBER 15824 pg 705

Nov 17 1995 227805

KNOW ALL MEN BY THESE PRESENTS: That Edith Celette also known as Edith E. Celette
whose street number and postoffice address is 3333 Duffield

Convey and Warranty

to Emanuel M. Malles II, an unmarried man and
Stacey L. Newman, an unmarried woman, A/K/A
whose street number and postoffice address is 31156 Beachwalk Drive
Novi, Michigan 48377
EMANUEL MALLES, II
AND STACEY NEWMAN

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of Michigan, to-wit:

Lots 48 and 49, Lake Wall Subdivision, as recorded in Lib. 15824 Page 15, of Plats,
Oakland County Records.

Item No. 22-03-202-001

\$ 2.00 RENDONMENTATION
\$ 498.80 TRANSFER TAX (COMBINED)
17 NOV 95 2:03 P.M. RECEIVED 1995
PAID RECORDED - OAKLAND COUNTY
LYNN D. ALLEN, CLERK/REGISTER OF DEEDS

20015

More commonly known as: 135 Northhaven, Novi, Michigan 48050

for the sum of FIFTY EIGHT THOUSAND AND 00/100, (**\$58,000.00*) Dollars

subject to Existing building and use restrictions, easements of record and zoning
ordinances, if any.

Dated this 10th day of November, 1995

Signed and Sealed in presence of

Signed and Sealed:

Sharon Trafton
SHARON TRAFTON
Nancy S. Gibson
NANCY S. GIBSON

Edith Celette
Edith Celette
aka Edith E. Celette

STATE OF Michigan

COUNTY OF Oakland

700
200
C-6380
S-4360
T-498.80

The foregoing instrument was acknowledged before me this 10th day of November, 1995

by Edith Celette also known as Edith E. Celette

SHARON TRAFTON
Notary Public, Oakland County, MI
My Commission Expires May 5, 1998

My Commission expires _____, Notary Public, OAKLAND County, Michigan.

County Treasurer's Certificate

City Treasurer's Certificate

STATE OF
MICHIGAN



REAL ESTATE
TRANSFER TAX
\$ 63.80-COUNTY
\$ 435.00-CITY
\$ 498.80-TOTAL

OAKLAND
NOV 17 1995

After recording return to:
Emanuel M. Malles II
135 Northhaven
Novi, Michigan 48050

Drafted By:
Edith Celette
Prudential Country Homes
1500 S. Milford Road
Highland, Michigan 48357
303534

Form No. K-960

OAKLAND COUNTY TREASURER'S CERTIFICATE
I HEREBY CERTIFY that there is no TAX LIEU or
TITLES held by the state or any individual against the
within description, and all TAXES on same are paid for
five years previous to the date of this instrument, as
required by the records in the office except as stated.

11-16-95
1.80
CP
OAKLAND COUNTY, County Treasurer
Lynn D. Allen, AS CLERK, Notary

000090

O.K. J.S.

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

08/17/2010 1:57 PM

Parcel:	50-22-03-202-003	Current Class:	401.RES IMP
Owner's Name:	REDMOND, AFERDITA	Previous Class:	401.RES IMP
Property Address:	115 NORTH HAVEN NOVI, MI 48377	Gov. Unit:	22 CITY OF NOVI
		MAP #	
Liber/Page:	L41499-P807	School:	270 Walled Lake
Split:	/ /	Neighborhood:	R0301 HAWTHORN/LAKE WALL
Public Impr.:	None		
Topography:	None		
Mailing Address:			
	115 NORTH HAVEN NOVI MI 48377		

Most Recent Sale Information

Sold on 09/10/2009 for 149,500 by MAZZOLA, LEONARD.

Terms of Sale: ARMS-LENGTH

Liber/Page: L41499-P807

Most Recent Permit Information

None Found

Physical Property Characteristics

2011 S.E.V.:	98,950	2011 Taxable:	98,950	Lot Dimensions:	
2010 S.E.V.:	100,200	2010 Taxable:	100,200	Acreage:	0.28
Zoning:	R-4	Land Value:	37,136	Frontage:	138.2
PRE:	100.000	Land Impr. Value:	0	Average Depth:	115.0

Improvement Data

of Residential Buildings: 1
Year Built: 1976
Occupancy: Single Family
Class: C
Style: TWO STORY C
Exterior: Wood Siding
% Good (Physical): 65
Heating System: Forced Air w/ Ducts
Electric - Amps Service: 0
of Bedrooms: 3
Full Baths: 1 Half Baths: 1
Floor Area: 1,798
Ground Area: 1,126
Garage Area: 526
Basement Area: 0
Basement Walls:
Estimated TCV: 160,798

Image



8-17-10
Sean
(Land contract holder)
was advised that
the boat dock situation
is being reviewed
by the City

EXHIBIT B

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

11/15/2013 10:31 AM

Parcel: 50-22-03-204-014
Owner's Name: ACCESS, LAKE WALL SUB
Property Address: WEST LAKE DR
NOVI, MI 48377

Current Class: ME, EXEMPT
Previous Class: ME, EXEMPT
Gov. Unit: 22 CITY OF NOVI
MAP #
School: 270 Walled Lake
Neighborhood: R9060 Exempt-Sub Park

Liber/Page: Created: / /
Split: / / **Active:** Active

Public Impr.: None
Topography: None

Mailing Address:

ACCESS, LAKE WALL SUB
BENTLEY, DAN
WEST LAKE
NOVI MI 48377

Most Recent Sale Information

None Found

Most Recent Permit Information

None Found

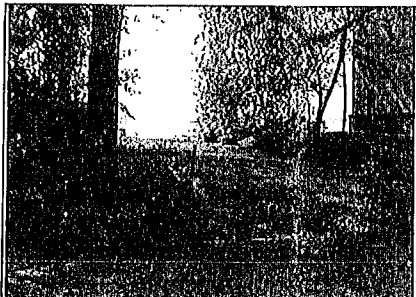
Physical Property Characteristics

2014 S.E.V.:	0	2014 Taxable:	0	Lot Dimensions:	
2013 S.E.V.:	0	2013 Taxable:	0	Acreage:	0.14
Zoning:	R-4	Land Value:	0	Frontage:	40.0
PRE:	0.000	Land Impr. Value:	0	Average Depth:	150.0

Improvement Data

None

Image



GRECO TITLE AGENCY
2100 ALFARANO DRIVE, SUITE 100

**Commitment for Title Insurance
Schedule A**

File No : 63-12223475-MTC

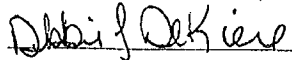
Commonly Known As: , Novi

1. Effective Date: **February 29, 2012, at 8:00 am**
2. Policy or policies to be issued: AMOUNT
 - (a) OWNERS POLICY \$1,000.00
Proposed Insured:
INFORMATIONAL
 - (b) LOAN POLICY
Proposed Insured:
3. The estate or interest in the land described or referred to in this Commitment and covered herein is **Fee Simple** and title thereto is at the effective date hereof vested in:

Daniel L. Bentley and Jean L. Bentley, his wife, as the proprietor
4. The land referred to in this commitment is situated in the City of Novi, County of Oakland, State of Michigan, as follows:

Lot 9, Lake Wall Subdlvision, according to the plat thereof as recorded in liber 20, page 15 of Plats, Oakland County Records.

COUNTERSIGNED:
GRECO TITLE AGENCY, LLC



Debbie J. Dekiere
AUTHORIZED SIGNATORY

GRECO TITLE AGENCY, LLC
118 Cass Avenue
Mt. Clemens, MI 48043
Ph:(586) 463-7200 Fax:(586) 463-5964

Agent for: CHICAGO TITLE INSURANCE COMPANY

This commitment valid and binding for a period of 90 days from the date hereof. Thereafter it is void and of no effect.
SCHEDULE A of this commitment--Page 1

D. Maureen Underhill

FROM

Oakland County Abstract Books

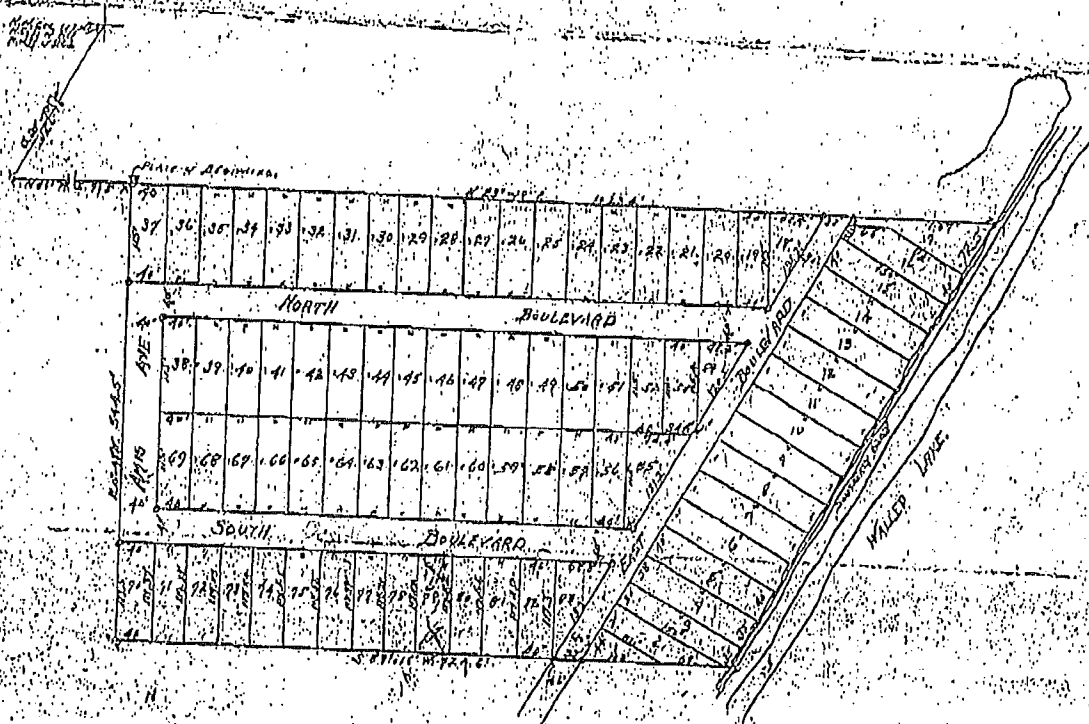
CRAWFORD & CRAWFORD

Pontiac, Michigan

Description: All those certain pieces or parcels of land, situated in the Township of Novi, in the County of Oakland, and State of Michigan, known and described as follows:

Lots numbered 1 to 83 inclusive of Late Wall subdivision of part of Section 3, in Township 1 north of range 8 east, Michigan. Said subdivision being bounded on the north by land now or formerly owned by Jennie Vivier, and by Ernest F. Taylor and Charles O. Miller, and on the south by J. W. Hawthorn's Subdivision, and by John Hawthorn's Subdivision No. 2, according to the recorded plats thereof.

(See reference Entries "D", "E", "F" and "G" on abstract)



E-21883-1

Extension of the foregoing ABSTRACT OF TITLE as to Lot 79 of Lake Wall Subdivision of part of Section 3, Township 1 North, Range 8 East, Township of Novi, County of Oakland, Michigan.

Last examination made by Crawford and Crawford, Sept. 26, 1919 at 7 A.M.

Daniel L. Bentley
and Jean L. Bentley,
his wife.

Warranty Deed
Consideration \$1.00 and other
considerations
Dated Feb. 15, 1924.
Acknowledged Feb. 15, 1924.
Recorded Aug. 27, 1924.
Liber 404 of Deeds, Page 244.
Conveys land situate and being
in the Township of Novi, County
of Oakland and State of

1. To

Alex Aitken and
Robert W. Fritchard.

Michigan, and described as follows, to-wit: Lot 79 of Lake Wall Subdivision situated in N.W. 1/4 of Section 3, Town 1 North, Range 8 East, as recorded in Liber 20, Page 15 of Plats, Oakland County Records.

It is expressly agreed that the following restrictions shall run with the Title to the Land described in this instrument and shall bind all subsequent purchasers, owners and occupants thereof.

(1) Lot #9 of said Subdivision shall be dedicated to the Lot owners of said Subdivision as a right of way to Lake.

(2) No portion of said Subdivision shall be sold to and occupied by either the -- or Negro Race.

(3) No portion of any Building inclusive steps and porch erected on Lots 3 and 17 inclusive shall be nearer than 20 feet of the front lot line of said Lots, and on Lots 18 to 83 inclusive nearer than 20 feet of the front line of said Lots.

(4) No closet or outhouse shall be erected on said premises except an Automobile garage to be used for garage purposes only.

(5) Not more than one dwelling, House or Cottage shall be erected on each Lot excepting Lots 17, 18, 54, 55, and 83.

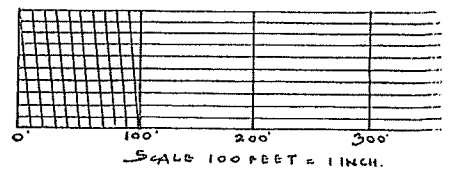
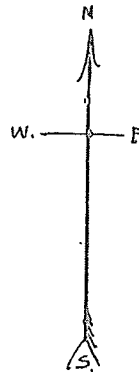
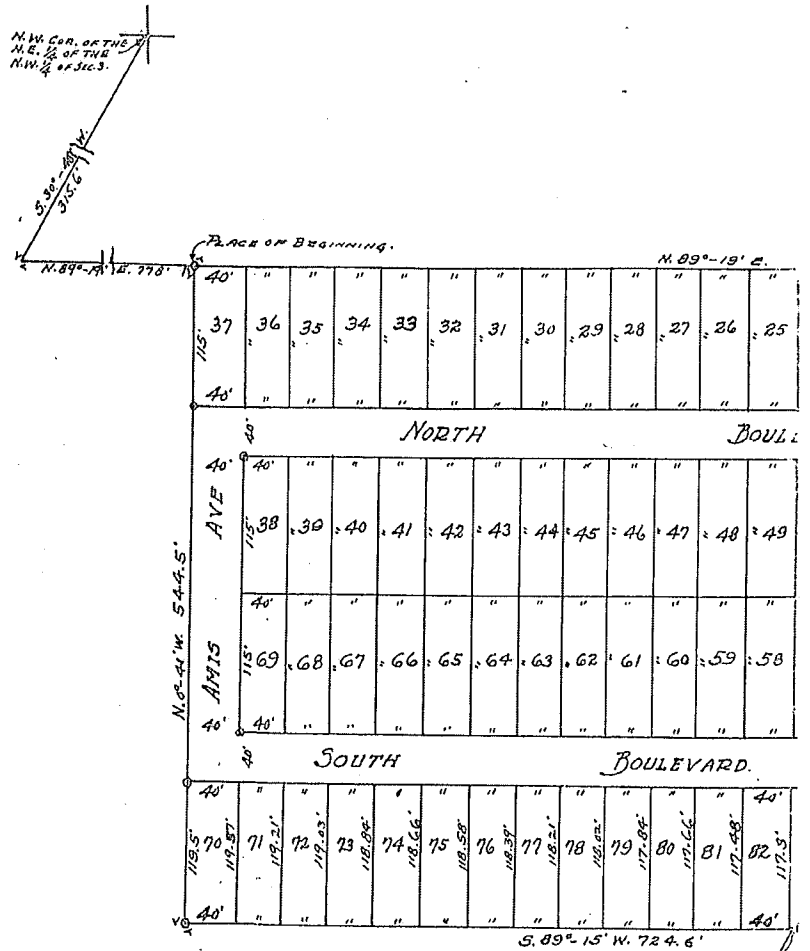
(6) No Store or Shop shall be erected on any Lot of said Subdivision excepting Lots 1 and 2, and no portion of the Subdivision or any Building erected thereon excepting 1 and 2 shall be used for Commercial purposes or for Merchentile use.

William Haw. et al. by

Certified Copy of Order

LAKE WALL

PART OF THE N.W. $\frac{1}{4}$ S
OAKLAND CO, MICH;



This plot was surveyed on the 7th day of
July 1911
 by Geo. Stockwell

PLAT

22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2

63.4' 33' 167' 72.2' 40' 150' 92' 65' 150' 130' 115' 40' 40' 40' 40' 40' 40' 40' 40' 40' 40' 40'

BOULEVARD

WALLED LAKE

Register's Office
Oakland County
This instrument was received for record
SEP 24 1919 at ... o'clock P. M.
and recorded in Liber ... on page ...
of ...

Register's Office
Oakland County ^{CS}
This instrument was received for record
SEP 24 1919 at ... 1 ... o'clock ... P ... M
and recorded in Liber ... 20
of ... plates ... on page 15
Wiley O. Foster, Register

(Required by Section 138, Act 276, Laws of 1901)

This is to Certify, that there are no Tax Liens or Titles held by the State or any individual against, and that all Taxes on lands described in the annexed instrument bearing Treasurer's No. 13561 have been paid FIVE YEARS prior to the date thereof, according to the records of this office, except as stated.

Will L. Harrison
County Treasurer.

Pontiac, Mich. Aug. 28 1919

KNOW ALL MEN BY THESE PRESENTS, THAT DANIEL L. BENTLEY, AS PROPRIETOR, AND JEAN L. BENTLEY, HIS WIFE, HAVE CAUSED THE LANDS EMBRACED IN THE ANNEXED PLAT TO BE SURVEYED, Laid OUT AND PLATED TO BE KNOWN AS LAKE WALL SUB-DIVISION, PART OF THE N.W. 1/4 SEC. 17, TOWNSHIP OF NOVI OGDON CO. MICH. IN R. 8 E, AND THAT THE STREETS AS SHOWN ON SAID PLAT ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC.

SIGNED AND SEALED
IN PRESENCE OF

Lead. G. Pinner } Daniel L. Bentley
Robert Mansar } Jean L. Bentley

STATE OF MICHIGAN. }
COUNTY OF OAKLAND. } S.D.

AND FOR SAID COUNTY PERSONALLY APPEARED THE ABOVE NAMED DANIEL L. BENTLEY AND JEAN L. BENTLEY, HIS WIFE, KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE ABOVE DEDICATION AND ACKNOWLEDGED THE SAME TO BE THEIR FREE ACT AND DEED.

Finol. R. Penicillat.

NOTARY PUBLIC, OAKLAND CO. MICH.
MY COMMISSION EXPIRES July 28 -

SURVYORS CERTIFICATE

WE HEREBY CERTIFY THAT THE PLAT HEREON
DELINEATED IS A CORRECT ONE AND THAT PER-
MANENT MONUMENTS CONSISTING OF IRON STAKES,
1" DIAMETER, 24" LONG, HAVE BEEN PLANTED AT ALL
POINTS MARKED THUS: O. AS THEREON SHOWN AT
ALL ANGLES IN THE BOUNDARIES OF THE LAND
PLATTED AND AT ALL INTERSECTIONS OF STREETS.

Fisher Brothers
CIVIL ENGINEERS,

ACCEPTED AND APPROVED BY THE TOWNSHIP
BOARD OF THE TOWNSHIP OF NOVI, OAKLAND
CO, MICH. THIS DAY OF 1919.

~~Harry M. Bryant~~
~~SUPERVISOR~~
~~F. W. D. Clark~~
~~CLERK~~

THE LAND EMBRACED IN THE ANNEXED PLAT OF LAKE WALLED SUB. DIVISION, PART OF THE N.W. 1/4 SEC. 3, TOWNSHIP OF NOVI, OAKLAND CO. MICH. T1N. 18E. IS DESCRIBED AS FOLLOWS: - A PIECE OF LAND IN THE N.W. 1/4 SEC. 3, TOWNSHIP OF NOVI, OAKLAND CO. MICH. - AND DESCRIBED AS FOLLOWS: - COMMENCING AT A POINT DISTANT S 30° 48' W 315.6 FEET AND N 89° 19'E 778 FEET FROM THE N.W. CORNER OF THE N.E. 1/4 OF THE N.W. 1/4 OF SEC. 3, RUN THENCE N 89° 19'E 1023.4 FEET TO THE WESTERLY SHORE OF WALLED LAKE; THENCE SOUTHERLY ON THE WESTERLY SHORE OF WALLED LAKE 620.3 FEET; THENCE S 89° 15' W 724.6 FEET; THENCE N 0° 41' W 544.5 FEET TO THE PLACE OF BEGINNING.

IT IS HEREBY AGREED BETWEEN DANIEL L. BENTLEY
AND JEAN L. BENTLEY, HIS WIFE, OF THE TOWNSHIP OF
NORTH OAKLAND CO. MICH. AND THE TOWNSHIP BOARD
OF NORTH OAKLAND CO. MICH. THAT THE SAID DANIEL
L. BENTLEY AND JEAN L. BENTLEY, HIS WIFE, SHALL
MADE A PUBLIC HIGHWAY FROM TWO LAKE WAGON
ROAD DIVISION TO THE ROAD KNOWN AS THE BENTLEY
BENTLEY ROAD. IT IS FURTHER AGREED THAT IN
CASE SAID DANIEL L. BENTLEY AND JEAN L. BENTLEY
SHOULD DESIRE TO CHANGE PUBLIC ROAD FROM
THE N.W. COR. OF SAID PLAT RUNNING WEST TO ROAD
KNOWN AS BENTLEY BENTLEY ROAD TO EITHER THE
NORTH OR SOUTH DOUGLASS, THEY ARE HEREBY GIVEN
THIS PRIVILEGE PROVIDED SAID EXTENSION SHALL CON
FORM WITH EITHER OR SAID DOUGLASS. GRADING TO BE
APPROVED BY THE HIGHWAY COMMISSIONERS OF SAID
TOWNSHIP, SAID ALTERATIONS TO BECOME A PART OF
SAID PLAT. SIGNED BY. J

54.
Daniel L. Bentley
Jesse L. Bentley

ACCEPTED AND APPROVED BY THE TOWNSHIP
BOARD OF THE TOWNSHIP OF NOVI, OAKLAND CO,
MICH -
DATED THIS 28TH DAY OF AUG. 1919.

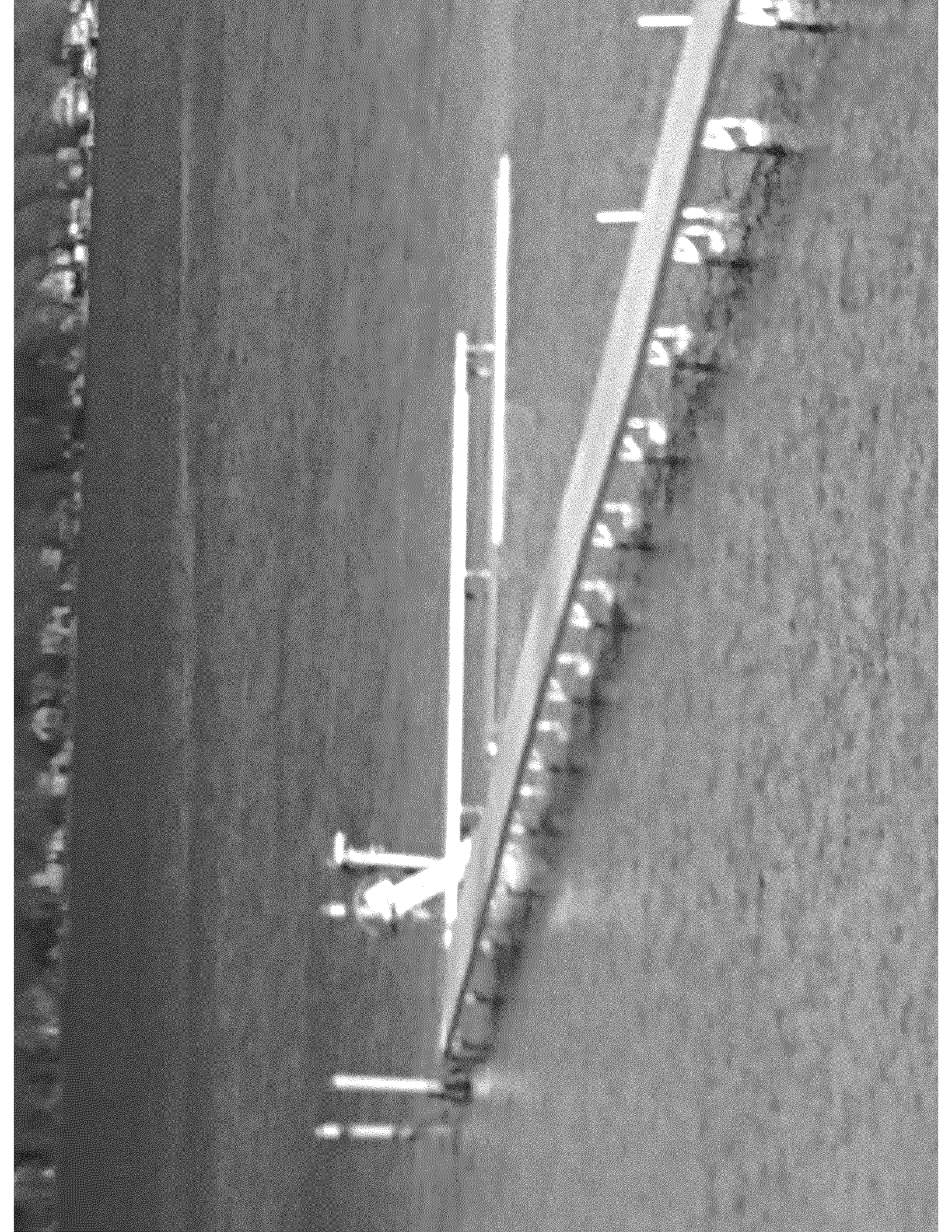
EXHIBIT C



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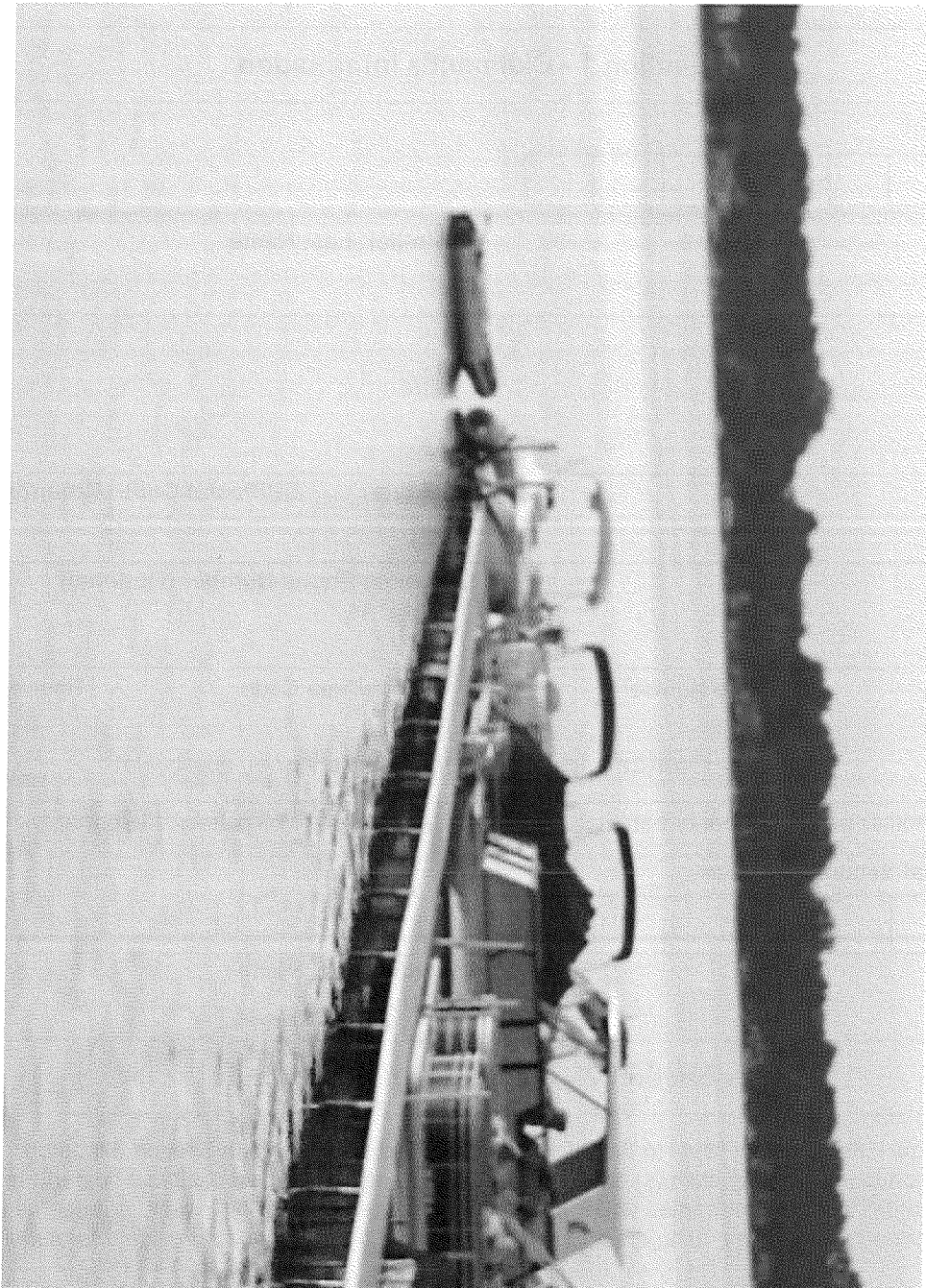




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4.25.2022 12:21

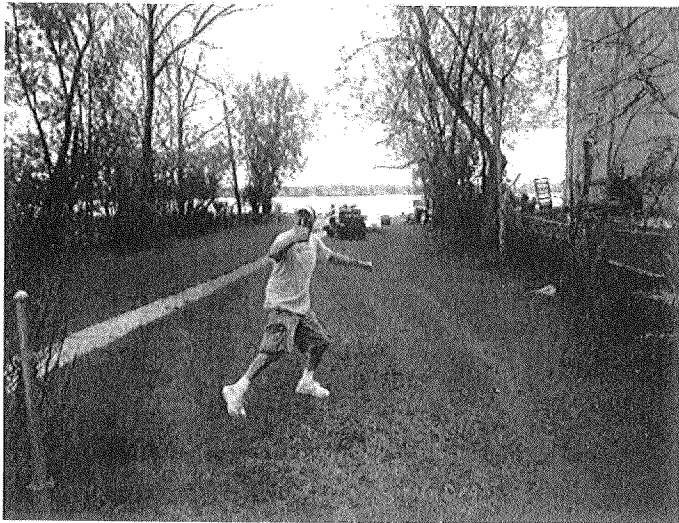


6-2021



6-2021

Lakewall Subdivision lot # 9 05-12-14











July 2015



July 24, '5





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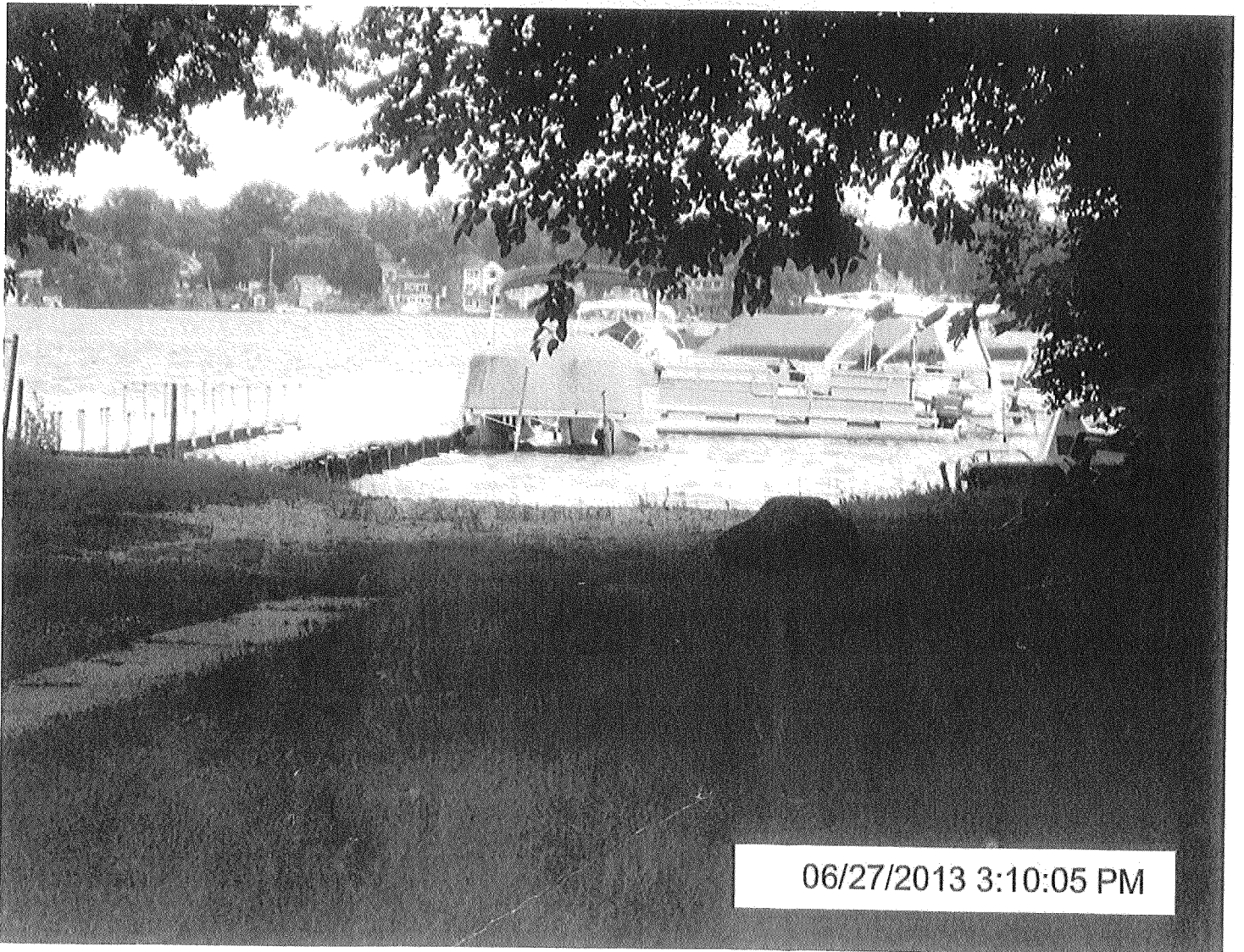


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05.12.2010 08:20





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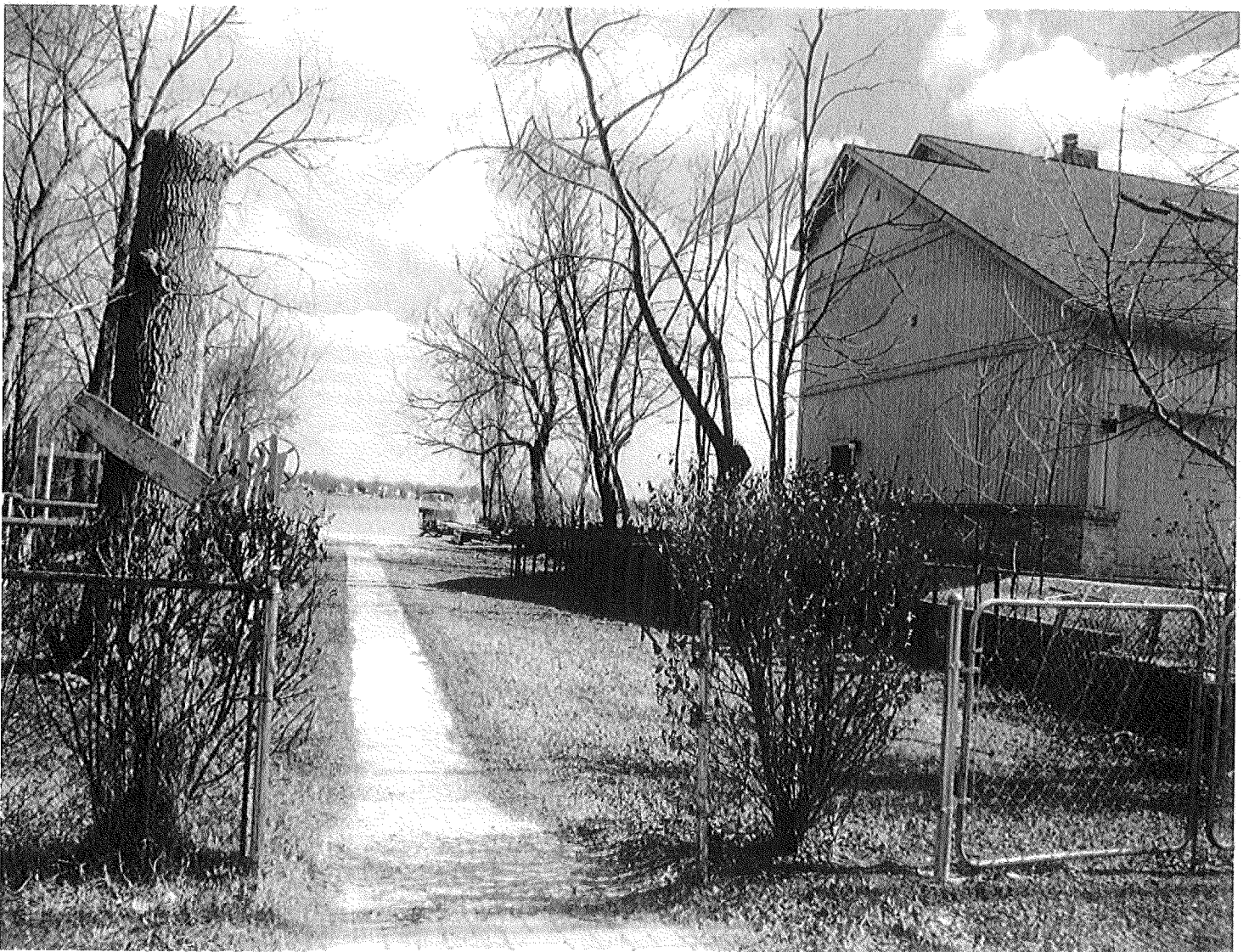
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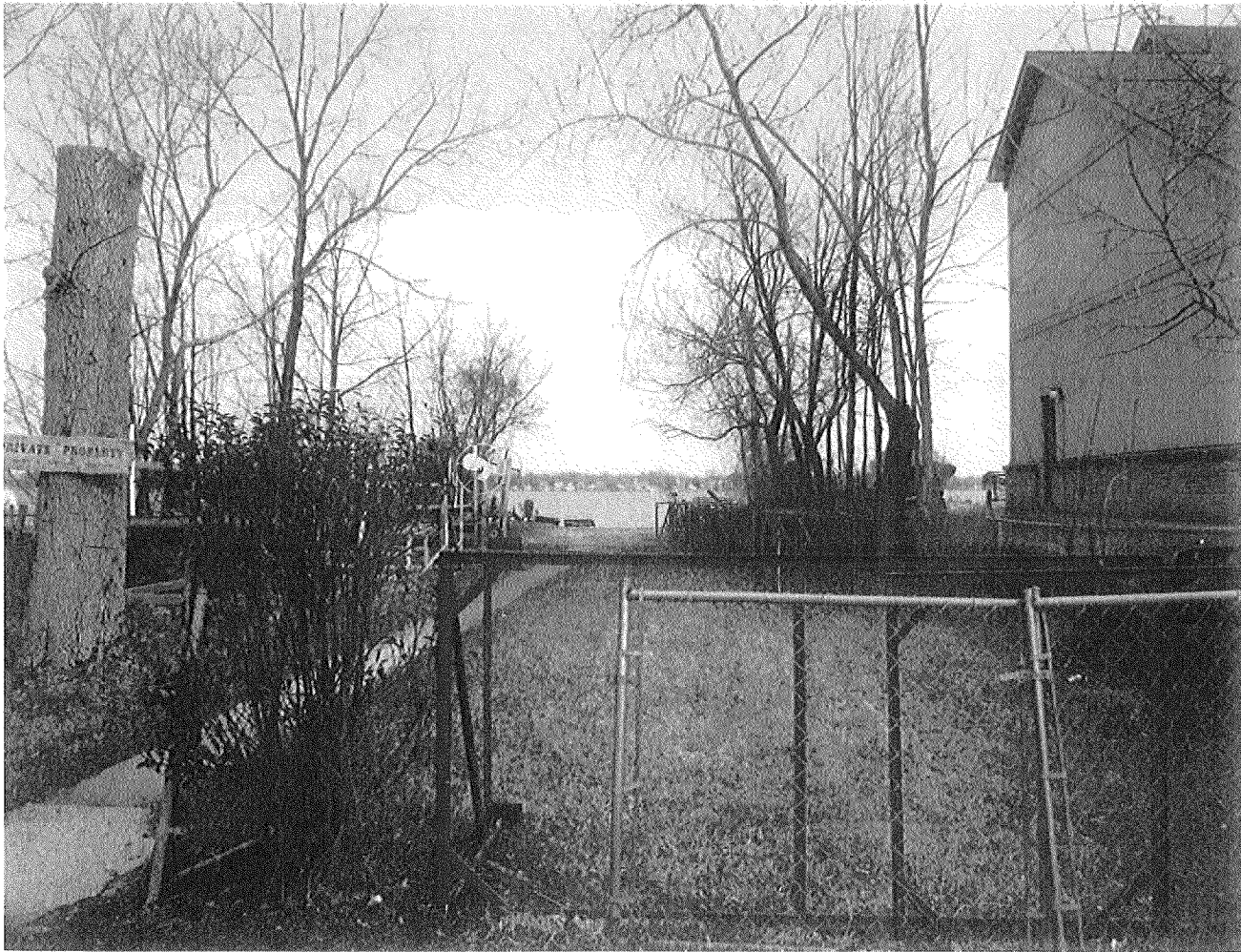


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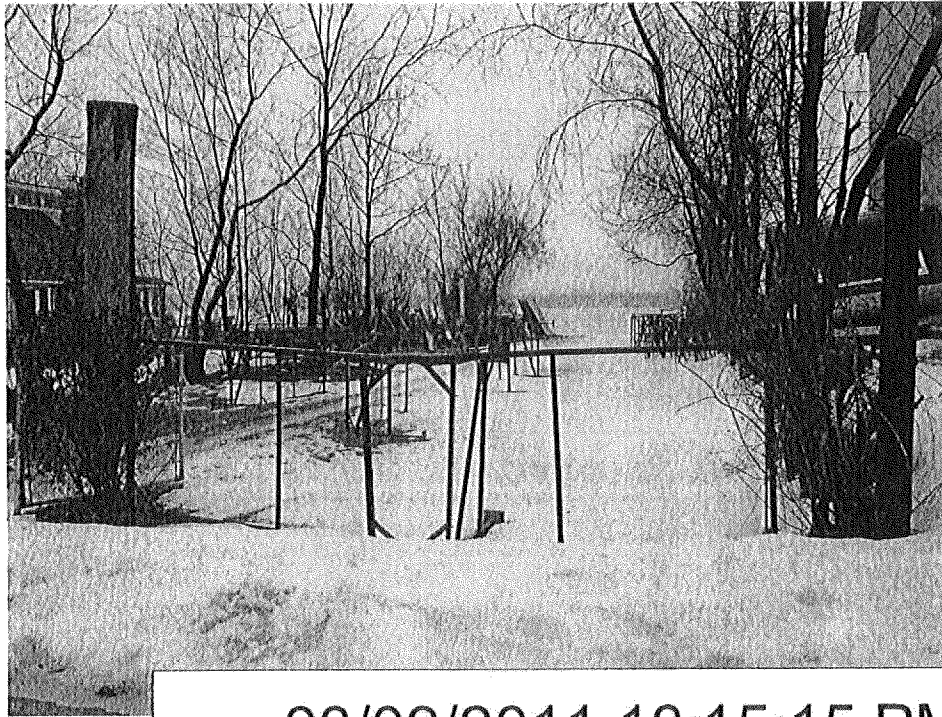
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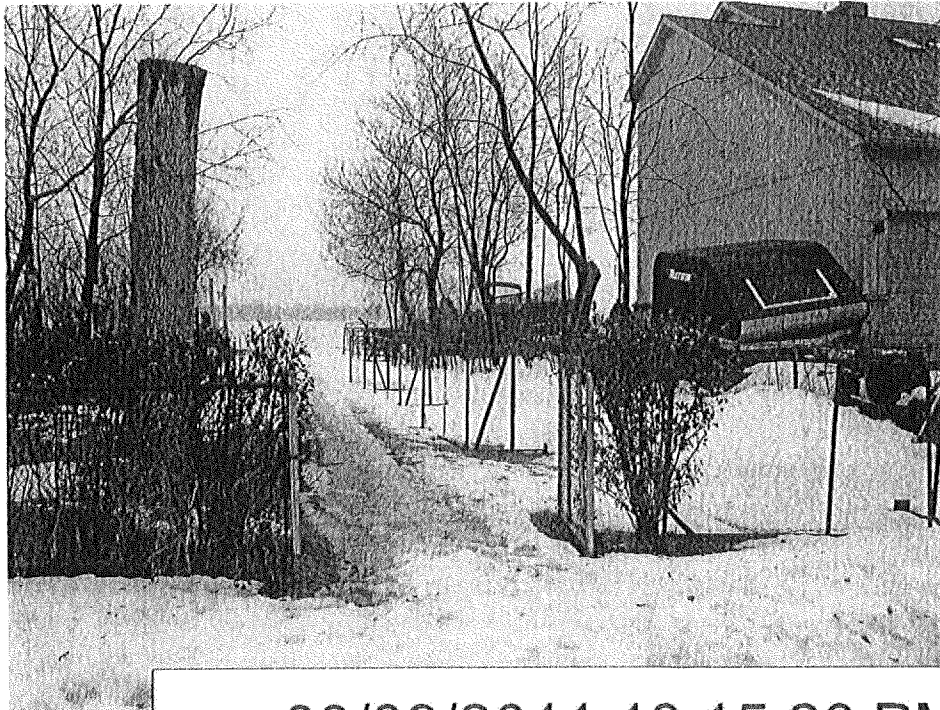




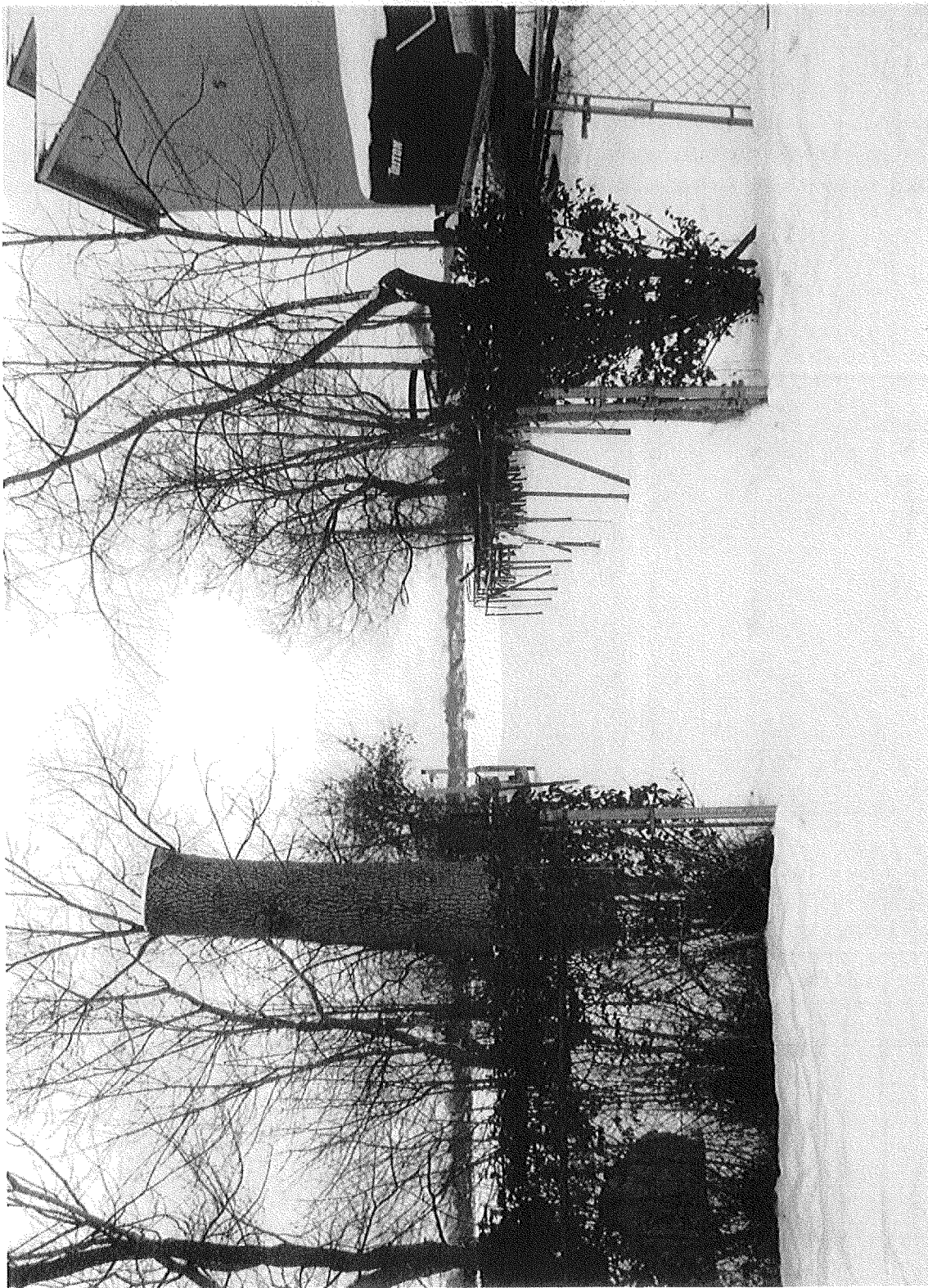
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Lake Wall Sub lot #9 Jan 28, 2011



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Lake Wall Subdivision - Lake Access



Northaven St

WEST LAKE DR

1259
WEST LAKE DR

115
NORTH HAVEN

West Lake Dr

1307
WEST LAKE DR

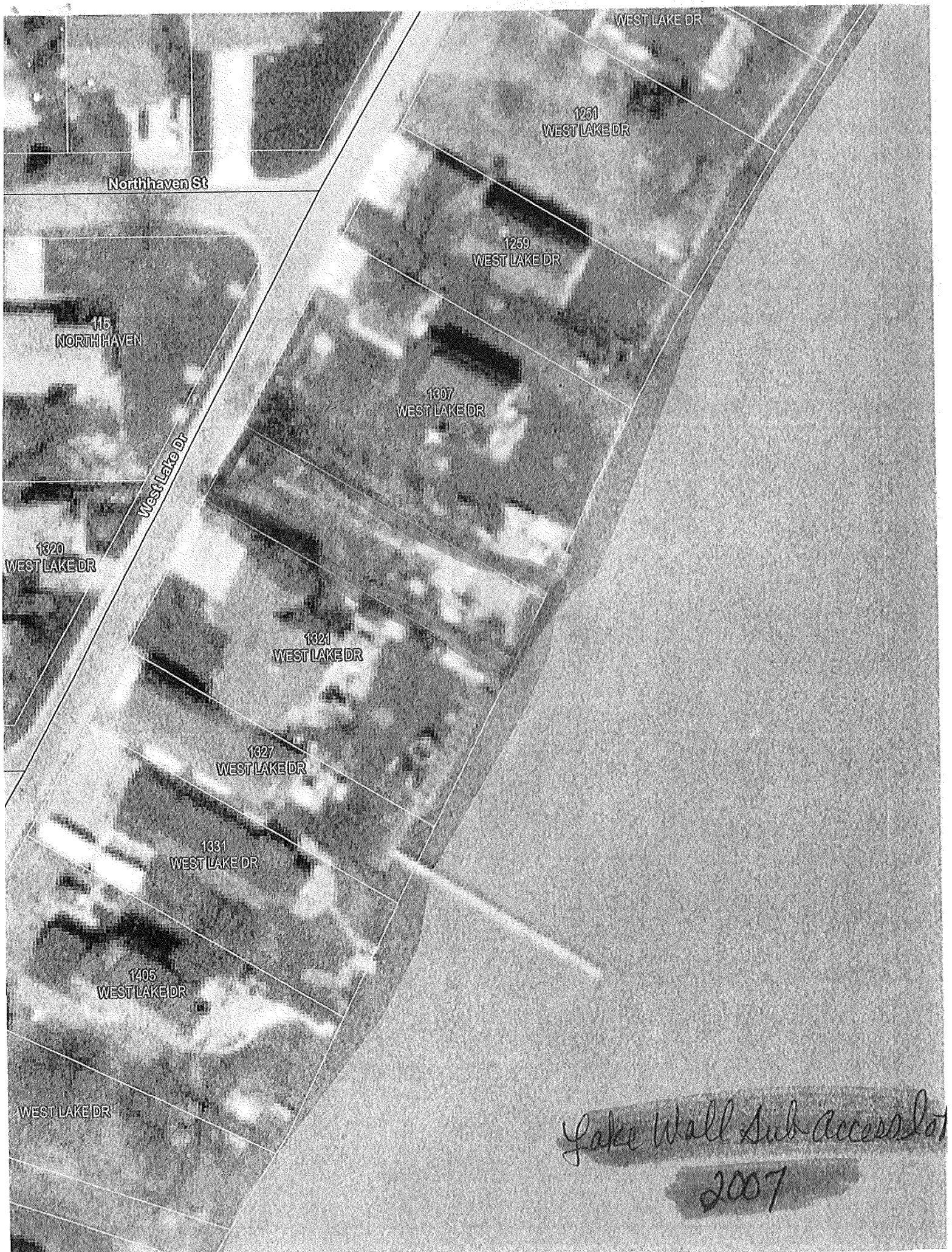
1321
WEST LAKE DR

1327
WEST LAKE DR

1331
WEST LAKE DR

1405
WEST LAKE DR

Rak Wall Sub-access
2008



Lake Wall Sub access lot
2007

Lake Wall Sub Lake access lot

2006

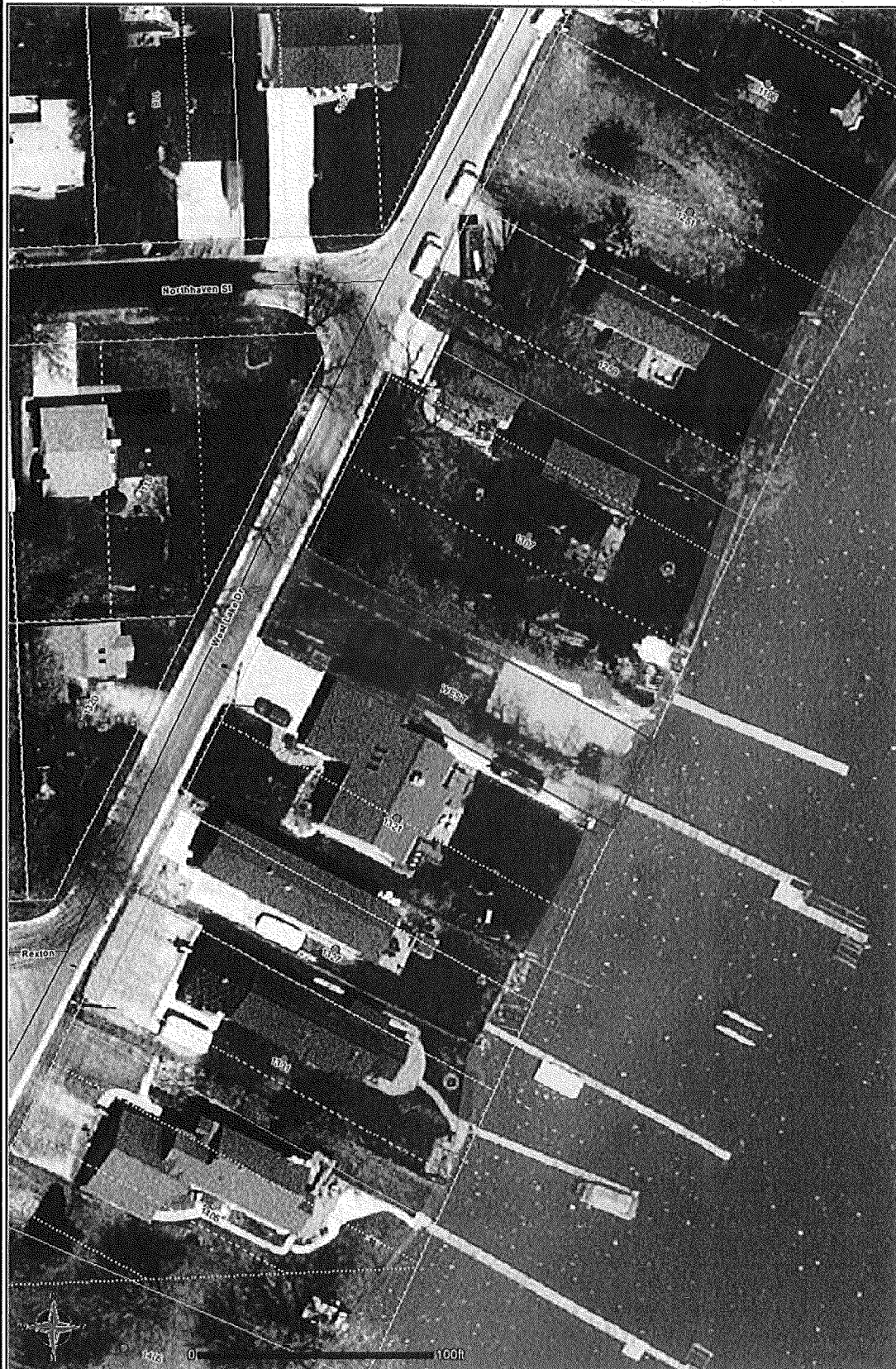


- Selected Features
- City Boundary
- Landmarks
- Civic Center
- Rock Financial Showplace
- Court
- DPW
- Fire Station
- Hospital
- Ice Arena
- Library
- Parks & Rec Field Office
- Police Station
- Post Office
- Recycling
- School
- Senior Center
- Address Grid
- Address Points
- Railroad
- Roads
- Freeway
- Arterials
- Collectors
- Scenic Drive Road
- Local Roads
- Water - Lakes
- Water - Rivers
- Parcels
- Lots
- Parks
- 2006 Aerial Photos

DISCLAIMER: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys, and other public records. The information not intended as a substitute for original or official source information. The City of Novi makes no warranty, express or implied, as to the accuracy, completeness, or SOURCES: City of Novi, Oakland County, Plansight LLC; October 2006 for County Data; October 2006 for City Data; Aerial Imagery as specified

Lake Wall Sub Access lot

2005



- Selected Features
- City Boundary
- Landmarks
- Civic Center
- Rock Financial Showplace
- Court
- DPW
- Fire Station
- Hospital
- Ice Arena
- Library
- Parks & Rec Field Office
- Police Station
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Lake Wall Sub Access lot

2002



- Selected Features
- City Boundary
- Landmarks
- Civic Center
- Rock Financial Showplace
- Court
- DPW
- Fire Station
- Hospital
- Ice Arena
- Library
- Parks & Rec Field Office
- Police Station
- Post Office
- Recycling
- School
- Senior Center
- Address Grid
- Address Points
- Railroad
- Roads
- Freeway
- Arterials
- Collectors
- Scenic Drive Road
- Local Roads
- Water - Lakes
- Water - Rivers
- Parcels
- Lots
- Parks
- 2002 Aerial Photos

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SOURCES: City of Novi, Oakland County, Plansight LLC; October 2006 for County Data; October 2006 for City Data; Aerial Imagery as specified

Lake Wall Sub 5022-03-204-014

2000



- Selected Features
- City Boundary
- Landmarks
- Civic Center
- Rock Financial Showplace
- Court
- DPW
- Fire Station
- Hospital
- Ice Arena
- Library
- Parks & Rec Field Office
- Police Station
- Post Office
- Recycling
- School
- Senior Center
- Address Grid
- Address Points
- Railroad
- Roads
- Freeway
- Arterials
- Collectors
- Scenic Drive Road
- Local Roads
- Water - Lakes
- Water - Rivers
- Parcels
- Lots
- Parks
- 2000 Aerial Photos

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Lake Wall Sub Access lot

1997



- Selected Features
- City Boundary
- Landmarks
- Civic Center
- Rock Financial Showplace
- Court
- DPW
- Fire Station
- Hospital
- Ice Arena
- Library
- Parks & Rec Field Office
- Police Station
- Post Office
- Recycling
- School
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- Address Grid
- Address Points
- Railroad
- Roads
- Freeway
- Arterials
- Collectors
- Scenic Drive Road
- Local Roads
- Water - Lakes
- Water - Rivers
- Parcels
- Lots
- Parks
- 1997 Aerial Photos

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Lake Wall Sub Access lot

1990



- Selected Features
- City Boundary
- Landmarks
- Civic Center
- Rock Financial Showplace
- Court
- DPW
- Fire Station
- Hospital
- Ice Arena
- Library
- Parks & Rec Field Office
- Police Station
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- Recycling
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- Freeway
- Arterials
- Collectors
- Scenic Drive Road
- Local Roads
- Water - Lakes
- Water - Rivers
- Parcels
- Lots
- Parks
- 1990 Aerial Photos

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EXHIBIT D

-25 ft. of frontage/boat

Lake Wall Subdivision

Lake Access Lot Neighborhood Meeting Sunday April 8th, 2006

Where: At the Lake Lot

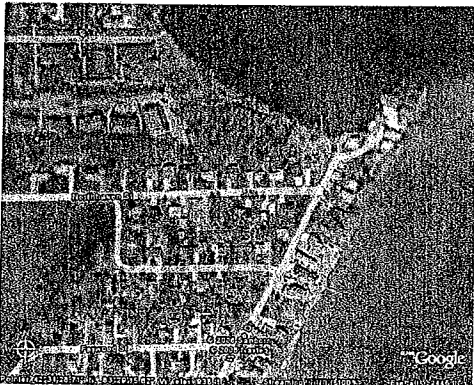
When: Sunday April 8th, 2006 @ 10:00 am

Topics:

- Meet New Neighbors
- Dock Installation Day & Time
- Discuss additional boats
- Dock Placement, Length, & Configuration
- Boat Placement
- Inspect and Possibly Weld Dock Stands
- Spring Cleanup/Trimming of Lot - Day and Time
- Possibly add more sand to Beach & Re-Mulch
- Finish Small Boulder Wall on Beach
- Discuss any new landscape ideas
- Trash Pickup
- Seaweed Cleanup
- Lawn Cutting & Fertilization
- Picnic Table
- Repair Fence or discuss ideas of new fencing options
- Replace severely warped section of Dock next to Tom's boat last year
- Address any other concerns or questions

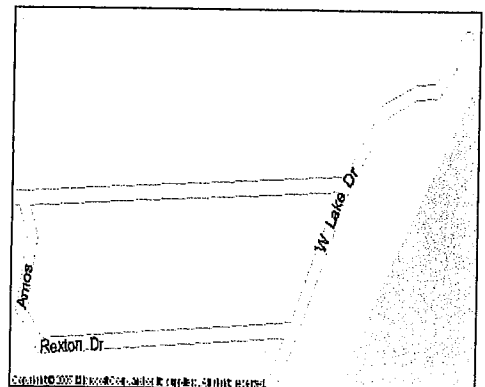
Attendance: Anyone who has interest or input on the above topics.

Memo: I believe a meeting would be beneficial to promote better cooperation in taking care of our lake property. It will also give us a chance to meet new people and neighbors that will be sharing a common area.



Lake Wall Subdivision includes:

Northhaven St. from Amos to West Lake Drive, Rexton St., & West Lake Drive from Rexton to the north end point.



Lake Wall Sub-division

Lake Access Lot Dock Project

As most of you know, for safety & ease of assembly, the majority of boat owners (based on who had boats in last year) had decided it would be best to build a new dock this year. Many of us have already contributed our time and effort to weld, paint, & assemble the new dock, and so far it's looking great! There are still additional sections needed to complete the dock, but when it's all said & done, the dock should have a maximum of 12 docking locations (up from 10).

Rest assured that the overall length, aesthetics, & safety issues were all carefully considered when the docking location maximum and the estimated costs (approximately \$4,800 - \$400 per boat owner) were set.

The attached spreadsheet shows a summary of these costs, which individuals verbally "reserved" a docking location, and those who confirmed their location by paying their portion of \$ for the new dock.

However, also note that costs are now approximately \$5,500 (\$425 per boat owner), and we've only received half the money. Also, as it stands today the 12 docking locations are spoken for, however, three of the boat owners have not yet contributed their funds. To remain fair, those three individuals should contribute now or need to begin to consider passing their spot to another boat owner who is ready, willing & able to. Remember we have no official "association" here and even though I'm sending this I am in no way in charge or have any more influence in this decision than any other neighbor, but all of us need to agree on how to handle any overages as far as docking locations go.

Welding of the remaining steel should happen sometime this week. The remaining wood decking is already completed. Which leaves the painting...oh the painting!!

I can always be reached via email @ jbertera@cutncare.com or at home if you'd like to stop by and drop off your contribution.

Thanks and happy boating!!
Joe

MATERIAL COSTS

DATE	PLACE	AMOUNT	DESCRIPTION
11/30/2007	WRIGHT STEEL	\$ 170.00	STEEL FOR PROTOTYPE FRAME
4/17/2018	HOME DEPOT	\$ 27.21	PAINT
4/19/2008	HOME DEPOT	\$ 59.91	SOLAR LIGHTS
4/15/2008	HOME DEPOT	\$ 327.41	WOOD
4/16/2008	HOME DEPOT	\$ 140.86	WOOD & SCREWS
4/11/2008	HOME DEPOT	\$ 137.78	WOOD & BLADES
4/15/2008	HOME DEPOT	\$ 87.16	SCREWS & SUPPLIES
4/12/2008	HOME DEPOT	\$ (26.44)	RETURN BLADES
4/13/2008	HOME DEPOT	\$ 328.66	WOOD
4/12/2008	HOME DEPOT	\$ 403.60	WOOD & BLADES
4/11/2008	HOME DEPOT	\$ 64.82	BLADES
4/11/2008	HOME DEPOT	\$ 10.35	HARDWARE
4/10/2008	WRIGHT STEEL	\$ 2,105.05	STEEL
4/22/2008	WRIGHT STEEL	\$ 762.41	STEEL
5/14/2008	HOME DEPOT	\$ 34.14	WOOD & SCREWS
5/13/2008	HOME DEPOT	\$ 35.66	WELDING RODS & PAINT
5/13/2008	HOME DEPOT	\$ 327.41	WOOD
5/13/2008	HOME DEPOT	\$ 27.53	SCREWS
5/12/2008	MALLES ELECTRIC BILL & SUPPLIES	\$ 400.00	WELDING SUPPLIES & ELECTRIC
TOTAL SUPPLIES		\$ 5,423.52	

DOCKING LOCATIONS & CONTRIBUTORS

BOAT TYPE	BOAT OWNERS-\$ 425/BOAT OWNER	PAID	STILL DUE
N/A	SOLD DOCK	\$ 350.00	N/A
PONTOON	NICK	\$ 200.00	\$ 225.00
SPEED	MIKE & ERIN	\$ 200.00	\$ 225.00
PONTOON	RICK G	\$ 400.00	\$ 25.00
FISHING	JOHN (REXTON CORNER HOUSE)	\$ 400.00	\$ 25.00
DECK	JOE B	\$ 400.00	\$ 25.00
PONTOON	PIERRE E	\$ 200.00	\$ 225.00
SPEED	RALF S	\$ 200.00	\$ 225.00
SPEED	CRAIG J	\$ 300.00	\$100 CREDIT FOR SOLD DOCK
PONTOON	RICK C		\$ 425.00
PONTOON	MIKE M	\$ 400.00	ELECTRIC & SUPPLIES
FISHING	RENTAL MIKE		\$ 425.00
PONTOON	CHRIS		\$ 425.00
NON-BOAT OWNERS			
	ROXANNE & STEVE	\$ 30.00	
TOTALS		\$ 3,080.00	\$ 2,250.00

TOTAL SUPPLIES	\$ 5,423.52
TOTAL ONCE ALL MONEY COLLECTED	\$ 5,330.00
OVERAGE/(SHORTAGE)	\$ (93.52)

EXHIBIT E



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE



STEVEN E. CHESTER
DIRECTOR

June 9, 2006

CERTIFIED MAIL

Mr. Emmanuel Malles
135 North Haven
Novi, MI 48377

Dear Mr. Malles:

SUBJECT: **NOTICE OF VIOLATION**
DEQ Complaint Number 06-63-0060-V
Property Location: Oakland County, T1N, R8E, Section
Walled Lake, Property Tax ID Number 22-03-204-014

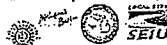
The Department of Environmental Quality (DEQ) has conducted an investigation and has determined there has been recent unauthorized activity on the above-referenced parcel of property. You have been identified as a property owner in the Lake Wall Subdivision who has excavated 40 feet of shoreline, installed a boulder seawall, installed a dock, and is operating an unauthorized marina on property used for subdivision lake access.

A permit is required prior to the start of this type of activity. A review of the DEQ files indicates no permits have been issued. The DEQ has, therefore, determined this activity is in violation of Part 301, Inland Lakes and Streams of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Violation of this Part may subject the violator to enforcement action as provided by the statute.

The DEQ advises you to stop all unauthorized activity and bring the site into compliance with Part 301 **within 30 days** of the date of this letter.

To comply with Part 301, you must remove the boulder seawall and the permanent dock. The shoreline must be restored to its original cut and cover. All raw areas resulting from these activities must be promptly and effectively stabilized with seed and mulch in sufficient quantity and manner so as to prevent erosion and any potential siltation to surface waters or wetlands.

In addition, permanent dock use by multiple property owners must cease. The DEQ considers reasonable use of this property to consist of permanent dockage for one boat. Multiple boat owners may not use a single location for permanent dockage without first obtaining a Marina Operating Permit from the DEQ. Multiple owners may not use this area for overnight dockage.



June 6, 2006

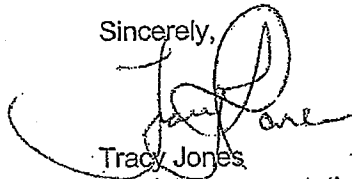
Submit to this office, **in writing**, within ten days of receipt of this letter, the following information:

1. Reasons for the project
2. Date work was undertaken.
3. Name(s) of the contractor(s) who did the work
4. Your full name, primary address, and date of birth
5. A reasonable timetable for restoration of the site, not to exceed 30 days.
6. Names and addresses of all other homeowners using this location for permanent boat dockage.
7. Any additional information you would like the DEQ to consider in reviewing this matter.

Please be advised that the DEQ will conduct a compliance inspection soon after the 30-day deadline. If the site is not restored, or if any further unlawful activity occurs on the site, this case may be referred for escalated enforcement action.

We anticipate and would appreciate your full cooperation in this matter. If you have any questions, please contact this office.

Sincerely,



Tracy Jones
District Representative
Land and Water Management Division
586-753-3868

cc: City of Novi SESC Officer
City of Novi Clerk
Mr. James Milne, DEQ

EXHIBIT F



NOVI POLICE DEPARTMENT

45125 W. 10 MILE RD.
NOVI MI 48375
248.348.7100



Case Report

Administrative Details:

CR No 120027919	Subject
Report Date/Time 05/28/2012 19:58	Occurrence Date/Time 05/28/2012 19:58
Location N HAVEN ST&WEST LAKE DR	Call Source TELEPHONE
Dispatched Offense 5312 DISTURBANCE - A	Verified Offense C3312 Neighborhood Trouble
County 63 - Oakland	City/Twp/Village 62 - Novi
Division Uniform	

Action Requested:

☐ Arrest warrant	☐ Review only
☐ Search warrant	☐ Forfeiture
☐ Juvenile petition	☐ Other

People:

MALLES, EMANUEL NICHOLAS (O-OTHER) (X-MISCELLANEOUS) [NOELSENA (00250)]

PE:	W.Type:	Last Name MALLES	First Name EMANUEL	Middle Name NICHOLAS	Suffix II	Mr/Mrs/Ms
DOB (Age) 01/02/1960 (52)	Sex M	Race WHITE	Ethnicity	Birth State	Birth Country	Country of Citizenship
Street Address 135 NORTH HAVEN	Apt #	County	Country	Home Phone	Work Phone	
City Novi	State MI	Zip 48375	Cell Phone 2486246628	Email		

ZEOYEZ, MATTHEW (O-OTHER) (C-COMPLAINANT) [NOELSENA (00250)]

PE:	W.Type:	Last Name ZEOYEZ	First Name MATTHEW	Middle Name	Suffix	Mr/Mrs/Ms
DOB (Age) 07/29/1969 (42)	Sex M	Race WHITE	Ethnicity	Birth State	Birth Country	Country of Citizenship
Street Address 136 NORTHHAVEN	Apt #	County	Country	Home Phone	Work Phone	
City Novi	State MI	Zip 48375	Cell Phone 2487011255	Email		

Narrative:

CFS Narrative By: NOELSENA (00250)



Zeoyez stated he was swimming at the neighborhood lake access area. He used the dock to exit the lake. Malles approached him, and started yelling at him. Zeoyez stated he thought that Malles could have become violent, but he didn't. Zeoyez wanted Malles talked to about yelling at him.

Malles stated that he has had problems with Zeoyez in the past. He stated he told Zeoyez not to use the dock because it is only to be used by homeowners in the neighborhood, not renters. Zeoyez is a renter.

Both parties were advised regarding the civil nature of this complaint. They were both advised to avoid future confrontations with each other, and call for police intervention when needed. They were both going to speak with the City Ordinance Dept. regarding the use of dock dispute.

EXHIBIT G

May 27, 2020

Property Owner Lakewall Subdivision
Novi MI 48377

Re: Dock placement and use of Lot #9

Dear Property Owner(s),

It has come to the City's attention that Lot # 9 of the Lake Wall Subdivision continues to be used in violation of several City ordinances. An extensive dock system was placed in the water off the shore of Lot #9 last summer, which was then used to moor a number of boats.

Because Lot #9 does not qualify as a lakefront recreational park, the Lakefront Protection provisions of the City of Novi Code of ordinances, specifically Section **36-62** (copy enclosed) dealing with lakefront use standards, preclude the use of Lot #9 for the installation of a dock and the mooring of boats. Specifically, the Lakefront Protection ordinance precludes:

- Storage, installation, placement, and/or maintenance of docks is not allowed.
- Operation of a marina is not allowed.
- Mooring of boats on the Lot#9 lake frontage is not allowed.
- Storage of boats, watercraft, trailers and other equipment is not allowed
- Parking of motorized vehicles is not allowed.

The fact that various deeds dating back some years ago refer to the use of the Lot as a "right of way to the lake" for members of the subdivision does not prevent the City from enacting and enforcing its Lakefront Protection ordinance in the interest of the public health, safety, and welfare. Until very recently, it was clear that the historical use of the property had been for that limited pedestrian use, and related recreational swimming/bathing, fishing, and hand launching of watercraft, only.

Please be advised that the extent of the violations on this parcel and its adverse effects on neighboring parcels have made it necessary for the City to give notice that the City will take all required actions to enforce its ordinance against those responsible for violation of the ordinance. The City will require and secure the removal of any dock placed in the water adjacent to the parcel and will prohibit the mooring of boats in violation of City ordinances.

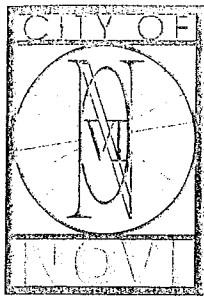
This notice is being sent to you so that you may alter or adjust your planned use of the property accordingly.

If you have any questions or would like any more information, please call the City of Novi Community Development Department at 248.347.0423. Thank you for your assistance and cooperation.

Respectfully,

Charles Boulard
Community Development Director

cc: file



posted on site

June 26, 2013

Daniel and Jean Bentley
c/o Estate
Novi MI 48377

Re: Limitations on use of Lot #9

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Terry K. Margolis

Andrew Mutch

Justin Fischer

Wayne Wrobel

Laura Marie Casey

City Manager
Clay J. Pearson

**Community Development
Director**
Charles Boulard

**Deputy Director of
Community Development**
Barbara E. McBeth

Building Official
Andy Gerecke

Building Division
248.347.0415
248.735.5600 fax

Planning Division
248.347.0475
248.735-5633 fax

**Ordinance Enforcement
Division**
248.735.5678
248.735.5600 fax

City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48375

cityofnovi.org

Dear Property Owner(s),

This correspondence relates to the use of Lot # 9 of the Lake Wall Subdivision. It has been observed that a substantial dock has been placed in the water of the shore of Lot #9. It also appears that during the winter months there was a significant amount of material, including boat hoists that were being stored on the property.

Please be advised that the Lakefront Protection provisions of the City of Novi Code of ordinances, specifically Section **36-62** (copy enclosed), dealing with lakefront use standards, apply to the use of Lot #9. Because Lot #9 does not qualify under that Section as a lakefront recreational park:

- Storage, installation, placement, and/or maintenance of docks is not allowed.
- Operation of a marina is not allowed.
- Mooring of boats on the Lot#9 lake frontage is not allowed.
- Storage of boats, watercraft, trailers and other equipment is not allowed
- Parking of motorized vehicles is not allowed.

The City does recognize that there is language in various deeds dating back some years ago that refers to the use of the Lot as a "right of way to the lake" for members of the subdivision. Given the historical use of the property for that limited pedestrian use, the use of the property for recreational swimming/bathing, fishing, and hand launching of watercraft is allowed by the City, provided that such uses at all times comply with the provisions of Novi City Code Section 22 regarding Offenses against the Public Peace. However, the use of Lot #9 over the years has historically not included the docking and storage uses that occurred or were expanded last year, and such uses will not be permitted under Section 36-62 in the future.

Please be advised that the City's Lakefront Protection Ordinance was recently applied and upheld by the Oakland County Circuit Court in a case involving another lakefront parcel.

This notice is being sent to you so that you may alter or adjust your planned use of the property accordingly. The dock must be removed from the water and the seasonal storage of material on the lot will not be permitted this winter or at any time.

If you have any questions or would like any more information, please call the City of Novi Community Development Department at 248.347.0423. Thank you for your assistance and cooperation.

Respectfully,

Charles Boulard
Community Development Director

cc: file

EXHIBIT H



Notice of Violation

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Andrew Mutch

Justin Fischer

Wayne Wrobel

Laura Marie Casey

Gwen Markham

City Manager
Clay J. Pearson

Community Development
Director
Charles Boulard

Deputy Director of
Community Development
Barbara E. McBeth

Building Official
Thomas M. Walsh

Building Division
248.347.0415
248.735.5600 fax

Planning Division
248.347.0475
248.735-5633 fax

Ordinance Enforcement
Division
248.735.5678
248.735.5600 fax

City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48375
cityofnovi.org

Today's Date: 11/15/2013
Expiration Date: 11/29/2013

Daniel and Jean Bentley
c/o Estate
Novi MI 48377

All Property Owners
Lakewall Subdivision

Subject Property: Lakewall Subdivision lot # 9

Sidwell No.: 50-22-03-204-014

Ordinance Activity No.: EORD 13-1592

You are in violation of code Section 36-62

Material stored on Lakewall Subdivision Access lot # 9 is prohibited. Remove all material including boat dock, boat hoists and dock material from this lot by expiration date. Cease use of this lot for storage of any and all material. NO DOCK shall be installed into the water adjacent to this lot at any time in the future.

All use of Lakewall Subdivision Lot # 9 must comply with the following standards:

- Storage, installation, placement, and/or maintenance of docks is not allowed.
- Operation of a marina is not allowed.
- Mooring of boats on the Lot # 9 lake frontage is not allowed.
- Storage of boats, watercraft, trailers and other equipment is not allowed
- Parking of motorized vehicles is not allowed.

You will have 14 days from the date of this notice to comply with the violation cited above. Your immediate attention to this matter is requested and advised. A municipal civil infraction violation ticket or other court action may be initiated for failure to comply with this matter within the time constraints stated above. Please contact the Officer listed below should you have any questions with regard to this matter.

Maureen Underhill
Ordinance Enforcement Officer
(248) 735 5602
City of Novi

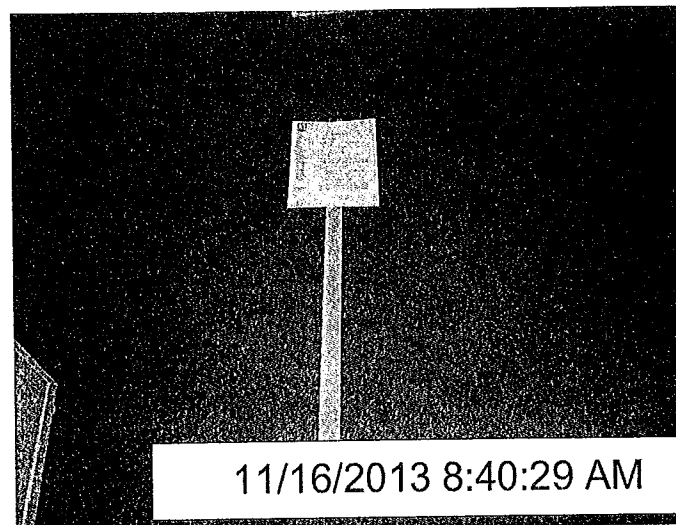
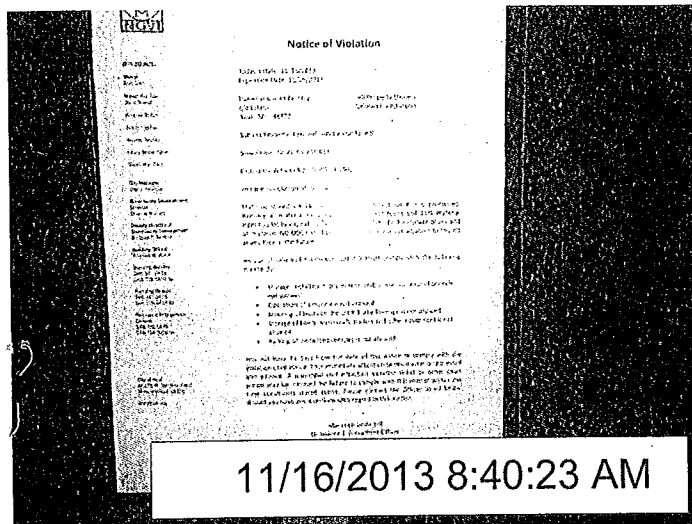


EXHIBIT I

3.1.5

R-4 One-Family Residential District

A. INTENT

The R-4, One-Family Residential district is intended to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.



User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. One-family detached dwellings
- ii. Farms and greenhouses § 4.1
- iii. Publicly owned and operated parks, parkways and outdoor recreational facilities
- iv. Home occupations § 4.4
- v. Keeping of horses and ponies § 4.8
- vi. Family day care homes § 4.5
- vii. Accessory buildings and uses § 4.19 customarily incident to any of the above uses

C. SPECIAL LAND USES

- i. Places of worship § 4.10
- ii. Public, parochial and private elementary, intermediate or secondary schools § 4.3.2
- iii. Utility and public service buildings and uses (without storage yards) § 4.11
- iv. Group day care homes , day care centers , and adult day care § 4.12.1
- v. Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs § 4.13
- vi. Golf courses § 4.14
- vii. Colleges, universities and other such institutions of higher learning § 4.15.1
- viii. Private pools § 4.16
- ix. Cemeteries § 4.2
- x. Railroad right-of-way, but not including terminal freight facilities, transfer and storage tracks
- xi. Mortuary establishments § 4.17
- xii. Bed and breakfasts § 4.18
- xiii. Accessory buildings and uses § 4.19 customarily incident to any of the above permitted uses



4.0 Use Standards

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

4.1 FARMS AND GREENHOUSES

In the RA, R-1, R-2, R-3 and R-4 districts, farms and greenhouses are permitted on those parcels of land separately owned outside the boundaries of either a proprietor or assessor's plat, having an area of not less than three (3) acres and subject to the health and sanitation requirements of the City of Novi and provided further that no farm shall be operated as a piggery, a rendering plant or for the disposal of garbage, sewage, rubbish, offal, or the slaughter of animals, except where such animals have been raised on the premises for use and consumption by persons residing thereon.

4.2 CEMETERIES

In the RA, R-1, R-2, R-3, and R-4 districts, cemeteries are permitted as a special land use provided that:

1. Not more than fifty-one (51) percent of the land in the Residential Unit in which the cemetery is to be located is in recorded plats.
2. All access to said site shall be in accordance with Section 5.13 of this Ordinance.

4.3 SCHOOLS

1. In the RA district, public, parochial and other private elementary schools offering courses in general education, not operated for profit, and not including dormitories are permitted.
2. In the RA, R-1, R-2, R-3 and R-4 districts, public, parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit, and not including dormitories are a permitted land use. Access to the site shall be in accordance with Section 5.13. A noise impact statement is required subject to the standards of Section 5.14.10.B.

4.4 HOME OCCUPATIONS

In the RA, R-1, R-2, R-3 and R-4 districts, home occupations are permitted subject to the following regulations:

1. There is no sign, advertising device, or other manifestation displayed on the inside of the dwelling so as to be visible through a window or glass area, or located on the exterior of the dwelling structure or within any yard area, which such sign, devise, or manifestation

suggests or implies the existence of a home occupation.

2. The home occupation is conducted wholly within the main building by the residents thereof.
3. There is not involved the keeping of a stock in trade and no article shall be sold or offered for sale from the home. Articles made in the home by the inhabitants thereof, may be delivered by the resident to markets off premises.
4. Home occupations shall not be carried on to an extent so as to require parking in excess of that required for the residential structure in which it is located.
5. Any home occupation that creates objectionable noise, fumes, odor, dust, electrical interference or more than normal residential traffic shall be prohibited.

4.5 FAMILY DAY CARE HOMES

In the RA, R-1, R-2, R-3 and R-4 districts, family day care homes are permitted as regulated pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, Section 206, MCL 125.3206, provided the licensee shall occupy the dwelling as a residence.

4.6 RAISING OF PLANT MATERIAL

1. In the RA district, the raising of nursery plant materials shall be permitted as a special land use provided no such stock or any related material, i.e., fertilizers, plant grooming materials and etc., shall be sold on the premises.
2. In the B-3 district, plant materials nursery for the retail sale of plant materials and sales of lawn furniture, playground equipment and garden supplies is permitted as a special land use subject to the following conditions:
 - A. The storage or display of any materials or products shall meet all setback requirements of a structure.
 - B. All loading and parking shall be provided off-street.
 - C. The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any affects on adjacent uses.
 - D. A noise impact statement is required subject to the standards of Section 5.14.10.B.



4.7 DAIRIES

In the RA district, dairies are permitted as a special land use when operated as an integral part of a dairy farm, with no retail commercial sales to customers on the premises.

4.8 KEEPING AND RAISING OF LARGE ANIMALS

In the RA district, the keeping and raising of livestock is permitted as a special land use and in the R-1, R-2, R-3, and R-4 district the keeping of horses and ponies is a permitted use. These uses are permitted subject to the following:

1. The use of said animals are for private use only.
2. There shall be permitted one (1) animal for a minimum lot area of two (2) acres, and an additional two (2) acres for each additional animal.
3. Animal pens and stables shall be kept clean and manures and stable refuse shall be treated so as to control flies and other insects, and shall be disposed of regularly and not allowed to accumulate so as not to become a public nuisance.
4. Buildings of greater than the maximum height allowed in in the Development Standards of the indicated districts may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed. For purposes of minimum yard requirements, buildings intended to provide shelter for animals shall be located a minimum of one-hundred (100) feet from exterior property lines.

4.9 LIMITED NONRESIDENTIAL USE OF HISTORIC BUILDINGS

To promote the City's heritage, historical buildings in residential districts may be occupied by limited nonresidential uses so as to encourage their preservation as historical landmarks. The occupancy of historical buildings for limited nonresidential uses may be permitted by the Planning Commission after public hearing, and after a recommendation has been received from the Historical Commission. The Historical Commission, upon receipt of a completed application for such use, shall conduct its review and forward its recommendation to the Planning Commission.

1. The Planning Commission may approve a proposed nonresidential use of an historical building, only upon finding that:
 - A. The building is listed on at least two (2) of the following three (3) registers as an historical landmark:
 - i. Local Historical Register
 - ii. State Historical Register
 - iii. National Historical Register
 - B. The establishment of the proposed use is necessary to the preservation of the subject building(s) and is in accordance with the intent and purpose of this section.
 - C. All proposed building and site alterations are in accordance with the intent and purpose of this Section and the Novi Building Code, i.e., all lighting, fencing and any buildings or accessory uses reflect the period architecture of the historical building.
 - D. Any proposed building and site alterations have been designed so as to minimize any possible adverse effects of such uses on the character of the surrounding area.
 - E. A site plan, prepared in accordance with the site plan review requirements of this Ordinance, has been submitted for review and approval as a part of this applicant's submittal requirements.
2. Uses permitted in a designated historical building in a residential district shall be limited to:
 - A. Those uses permitted and regulated in the residential district; or
 - B. Those uses permitted in the OS-1 district.
3. An historical building which is, or which is to be, occupied solely as a residential dwelling may be physically renovated, rehabilitated or expanded, provided:
 - A. All such improvements meet applicable local and state building code requirements.
 - B. All such improvements are done in a manner commensurate with the period architecture of the building.
 - C. All height, bulk and area requirements of the residential in which it is located are met.
4. An historical building which is approved for a permitted nonresidential use may be physically renovated or rehabilitated, provided:



- A. All such improvements meet applicable local and state building code requirements.
- B. All such improvements are done in a manner commensurate with the period architecture of the building.
- C. Any such improvements shall not result in the physical expansion of any exterior building walls or roof areas.

When improvements to a designated historical building for occupancy by a permitted nonresidential use result in the loss of the building's historical designation, the building shall, within sixty (60) days from the date of notification of said loss, revert to residential use only. Thereafter, the building may be occupied only by those uses permitted in the residential district in which the building is located until such time as its historical designation shall have been restored.

- 5. Off-street parking shall be provided only in the rear or in an interior side yard, and shall be in accordance with the off-street parking requirements of this Ordinance. Off-street parking areas shall be effectively screened from view as set forth and regulated in this Ordinance.
- 6. The Historical Commission and the Planning Commission may impose such additional conditions, limitations and safeguards as it deems reasonably necessary to protect the public health, safety and general welfare, and to fulfill the intent and purpose of this Section. To minimize any adverse effects of such uses on adjacent properties and to foster a proper land use relationship to those adjacent properties, the Planning Commission may modify the standards of this Section, but only to the extent necessary to assure preservation of the subject structures in a manner commensurate with the intent and purpose of this Section.
- 7. Planning Commission approval shall be required for any subsequent change in use or occupancy of an historical building for which a certificate of occupancy is required, or for any alterations, modifications or improvements to an historical building or site for which a building permit is required. The Planning Commission shall grant or deny such approval based upon the provisions of this Section, after public hearing and after a recommendation has been received from the Historical Commission.

4.10 PLACES OF WORSHIP

In the RA, R-1, R-2, R-3, R-4 and NCC districts, churches and other facilities normally incidental thereto are permitted as a special land use subject to the following conditions:

- 1. Minimum site size shall be three (3) acres.
- 2. Minimum site width shall be two-hundred (200) feet along front yard.
- 3. All access to the site shall be onto a Major Arterial, Arterial or Minor Arterial road as shown on the City's Thoroughfare Plan.
- 4. Minimum building setbacks shall be seventy-five (75) feet from all property lines.
- 5. There shall be no parking in front yard, nor closer than twenty (20) feet from any side or rear lot line, except in those instances where the lot abuts a residential lot and in those instances, no closer than thirty-five (35) feet.
- 6. Screening of vehicular parking areas shall be in conformity with requirements at Section 5.5.3.
- 7. A noise impact statement is required subject to the standards of Section 5.14.10.B.

4.11 UTILITY AND PUBLIC SERVICE BUILDINGS

In the RA, R-1, R-2, R-3, and R-4 districts, utility and public service buildings and uses (without storage yards) are permitted as a special land use when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity and when the architecture is in keeping with the surrounding area. A noise impact statement is required subject to the standards of Section 5.14.10.B.

4.12 GROUP DAY CARE HOMES, DAY CARE CENTERS, AND ADULT DAY CARE CENTERS

- 1. In the RA, R-1, R-2, R-3, and R-4 districts, group day care homes, day care centers, and adult day care centers are permitted as a special land use, as follows:
 - A. Group Day Care Homes, subject to the following:
 - i. Outside recreation area required, as follows:
 - a. There shall be provided and maintained an outdoor recreation area of not less than two-thousand (2000) square feet.

- b. Recreation area shall be securely fenced and screened from any adjoining lot in any residential district with appropriate fence and landscape materials as reviewed by the City's Landscape Architect to provide opaque screening for the outside activities. These screening requirements are in addition to the requirements of Section 5.5.
 - ii. The minimum parcel size for a Group Day Care Home shall be one-half (0.5) acre.
 - iii. The licensee shall occupy the dwelling as a residence.
 - iv. The licensee shall register with the City Clerk and the licensed premises may be subject to a fire department inspection and shall provide a smoke detector in all daytime sleeping areas.
 - v. Any sign accessory to the home is prohibited.
 - vi. The hours of operation shall be limited to the period between 6:00 a.m. and 7:00 p.m.
 - vii. The parcel shall abut a major thoroughfare or section line collector road, but may have access from a local street. The driveways shall be designed so that vehicles can exit the site without having to back onto a major thoroughfare.
- B. Day Care Centers accommodating no more than fifty (50) children, and Adult Day Care Centers accommodating no more than twenty-five (25) persons, subject to the following:
 - i. Outside recreation area required, as follows:
 - a. For each person cared for, there shall be provided and maintained a minimum of one-hundred fifty (150) square feet of outdoor recreation area.
 - b. Such recreation area shall have a total minimum area of not less than two-thousand eight-hundred (2800) square feet.
 - c. The recreation area shall be securely fenced and screened from any adjoining lot in any residential district, with appropriate fence and landscape materials as reviewed by the City's Landscape Architect to provide opaque screening for the outside activities. These screening requirements are in addition to the requirements of Section 5.5
 - ii. The minimum parcel size for a Day Care Center or Adult Day Care Center shall be one (1) acre.
 - iii. The hours of operation shall be limited to the period between 6 a.m. and 7 p.m.
 - iv. The parcel shall abut and have access to a major thoroughfare or section line collector road. The driveways shall be designed so that vehicles can exit the site without having to back onto a major thoroughfare.
 - v. The licensee shall register with the City Clerk and the licensed premises may be subject to a fire department inspection and shall provide a smoke detector in all daytime sleeping areas.
 - vi. Any refuse bins or outside trash receptacles shall be located as far away as is practical from properties zoned for residential uses.
 - vii. The exterior building facades shall comply with Section 5.15. Additionally, the City's Facade Consultant shall review the proposed architectural style of the structure to insure the residential character of the neighborhood is maintained with regard to design and facade elements. The following materials shall be allowed up to a maximum of twenty-five (25) percent of the building facade, with a finding that these materials will be compatible with the adjacent residential areas: wood siding, painted siding, tongue and groove siding, batten siding, vinyl siding and aluminum siding. These materials are subject to footnote 11 of the Schedule Regulating Facade Materials, in Section 5.15.



viii. A noise impact statement is required subject to the standards of **Section 5.14.10.B.**

- C. Day care centers exceeding fifty (50) children, but not more than one-hundred and twenty (120) children, and adult day care centers exceeding twenty-five (25) persons, but not more than sixty (60) persons, providing the following conditions are met:
 - i. Subject to the standards contained in **Subsection 4.12.1.B.ii.**
 - ii. The parcel must abut land zoned only NCC, EXPO, OS-1, OSC, TC, TC-1, RC, FS, I-1, P-1, C, and OST.
 - iii. The hours of operation shall be limited to the period between 6 a.m. and 7 p.m.
 - iv. The exterior building facades shall comply with **Section 5.15.** Additionally, the City's Facade Consultant shall review proposed architectural style of the structure to insure the residential character of the neighborhood is maintained with regard to design and facade elements. The following materials shall be allowed up to a maximum of twenty-five (25) percent of the building facade, with a finding that these materials will be compatible with the adjacent residential areas: wood siding, painted siding, tongue and groove siding, batten siding, vinyl siding and aluminum siding. These materials are subject to footnote 11 of the Schedule Regulating Facade Materials, in **Section 5.15.**
 - v. A noise impact statement is required subject to the standards of **Section 5.14.10.B.**
2. Day care centers and adult day care centers are a permitted use in the B-2, OST, TC, TC-1 districts and EXO Overlay district and a special land use in the OS-1, OSC, and PSLR districts, all subject to the following:
 - i. In the B-2, OST, OS-1, OSC, TC, TC-1, PSLR districts and EXO Overlay district:
 - a. Outdoor recreation areas shall be provided, consisting of at least one-hundred fifty (150) square feet for each person cared for, with a minimum total area of three-thousand five-hundred (3,500) square feet. All such outdoor

recreation areas shall be fenced with self-closing gates. The recreation area may extend into an exterior side yard up to twenty-five (25) percent of the distance between the building facade and the property line.

- b. The hours of operation shall be limited to the period between 6 a.m. and 7 p.m. for those facilities abutting residential zoning districts.
- c. Facilities shall be located either within a permitted office, or commercial structure, or in a freestanding building on a site coordinated with surrounding development (i.e., traffic flow, parking access, drop off areas, architecture and relationship to other buildings).
- d. Screening and landscaping of outdoor recreation areas, recreation area fences and parking lots shall comply with **Section 5.5.**
- e. Off-street parking shall comply with **Section 5.2.12.** and **Section 5.3.**
- ii. In the B-2, OST, OS-1, OSC, TC, TC-1 districts and EXO Overlay district:
 - a. Not more than fifty (50) percent of front yard or exterior side yard setback between the minimum required parking setbacks (35') and building facade line may be used for parking. The balance of this area shall be maintained in lawn and landscaping.
 - b. Vehicular access to site shall not be directly to or from a major arterial or arterial.
 - c. Facilities abutting residential zoning districts shall be reviewed under the facade standards provided in **Section 4.12.1.B.vii.**
3. In the NCC district, day care centers and adult day care centers are permitted subject to the regulations in **Sections 4.12.1.B.i through Section 4.12.1.B.viii.**, except that day care centers may accommodate in excess of fifty (50) children, and adult day care centers may exceed twenty-five (25) persons.

4.13 PRIVATE NONCOMMERCIAL RECREATIONAL AREAS, INSTITUTIONAL OR COMMUNITY RECREATION CENTERS, AND NONPROFIT SWIMMING POOL CLUBS

In the RA, R-1, R-2, R-3, and R-4 districts, private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs, not including indoor ice skating rinks and indoor tennis courts are permitted as a special land use, all subject to the following conditions:

1. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one (1) property line abutting a major thoroughfare and the site shall be so planned as to provide all access in accordance with Section 5.13 of this Ordinance.
2. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking, structures or recreation facilities permitted in these minimum yards, except that off-street parking may be permitted to within twenty-five (25) feet of a street, and except required entrance drives and walls used to obscure the use from abutting residential districts.
3. Off-street parking shall be provided so as to accommodate not less than one-half (½) of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the Planning Commission on the basis of usage.
4. Whenever a swimming pool is constructed under this Ordinance, said pool and pool area shall comply with the standards of this Ordinance regulating the location of accessory uses and with applicable State regulations. In those instances where a conflict exists between

State and local regulations, the more restrictive standard shall govern.

5. A noise impact statement is required subject to the standards of Section 5.14.10.B.

4.14 GOLF COURSES

In the RA, R-1, R-2, R-3, and R-4 districts, golf courses, consisting of at least nine holes and not including driving ranges, "pitch and putt," miniature or "par 3" courses, which may or may not be operated for profit are permitted as a special land use, subject to the following conditions:

1. The site shall be so planned as to provide all access in accordance with Section 5.13 of this Ordinance.
2. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
3. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two-hundred (200) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings will be screened from view, the Planning Commission may modify this requirement.
4. Whenever a swimming pool is to be provided, said pool and pool area shall comply with the conditions set forth in Section 4.13.4 of this Ordinance.

4.15 COLLEGES, UNIVERSITIES, AND OTHER SUCH INSTITUTIONS OF HIGHER LEARNING

Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education are permitted as a special land use in the RA, R-1, R-2, R-3, and R-4 districts and as a permitted use in the OST district and EXO Overlay district, subject to the following conditions:

1. In the RA, R-1, R-2, R-3, and R-4 districts:
 - A. Institutions shall not be operated for a profit

- B. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - C. All access to said site shall be in accordance with **Section 5.13** of this Ordinance.
 - D. No building shall be closer than eighty (80) feet to any property line.
 - E. Buildings to be used for servicing or maintenance such as heating plants, garages, storage structures and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.
 - F. Buildings of greater than the maximum height allowed in the schedule of regulations may be allowed provided front, side and rear yard setbacks are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 - G. A noise impact statement is required subject to the standards of **Section 5.14.10.B**.
- 2. In the OST district and EXO Overlay district:
 - A. Administrative offices, conference rooms, classrooms, and related educational support uses shall be permitted under this subsection as accessory to the main educational facility.
 - B. No dormitories or outdoor sports facilities shall be permitted in association with an institution of higher learning under this subsection.
 - C. All buildings proposed to be located within an existing or future corporate park shall be designed to be architecturally integrated into the corporate park.

4.16 PRIVATE POOLS

In the RA, R-1, R-2, R-3, and R-4 districts, private pools shall be permitted as an accessory use within the rear yard or a nonrequired interior side yard and shall not require Planning Commission review and approval, provided all pools and pool areas shall comply with the conditions set forth in **Section 4.13.4** of this Ordinance.

4.17 MORTUARY ESTABLISHMENTS

In the RA, R-1, R-2, R-3, R-4, B-1 and OS-1 districts, mortuary establishments are permitted as a special land use subject to the following:

- 1. In the RA, R-1, R-2, R-3, R-4, B-1 and OS-1 districts:
 - A. Adequate assembly area shall be provided off-street for vehicles to be used in funeral processions, and that such assembly area shall be provided in addition to any required off-street parking area.
 - B. A caretaker's residence may be provided within the main building or mortuary establishments.
- 2. In the RA, R-1, R-2, R-3, and R-4 districts:
 - A. Mortuary must be located on a designated major thoroughfare.
 - B. When reviewing such uses, the Planning Commission shall take into consideration the provisions of **Section 7.12** of this Ordinance.
 - C. A noise impact statement is required subject to the standards of **Section 5.14.10.B**.

4.18 BED AND BREAKFAST OPERATIONS

Intent. It is the intent of this section to permit the operation of bed and breakfast facilities as a vehicle for preserving historical resources within the City of Novi. Historical preservation is recognized as a public purpose by statute and local ordinance as a means to safeguard local heritage, preserve cultural, social, economic, political and architectural history, to stabilize and improve property values, to foster civic beauty, to strengthen local economies and to promote the education, pleasure and welfare of the citizenry. The purpose of this section is to advance those goals by enhancing the viability of historical preservation.

Bed and breakfast operations may be permitted by Planning Commission in any Zoning District, as special land uses after holding a public hearing in accordance with the requirements as set forth and regulated in **Section 6.2** of this Ordinance, subject to the following standards:

- 1. The bed and breakfast site shall be located on parcel fronting onto collector or arterial road as defined in the Thoroughfare Plan of the Master Plan for the City of Novi, provided that no such site shall be located within a single-family residential subdivision.

2. Such operations shall be run by persons who own and occupy the premises for residential purposes.
3. Not more than eight (8) bedrooms in the bed and breakfast operation shall be used for bed and breakfast sleeping rooms. Use of a garage for bed and breakfast sleeping rooms is prohibited. Accessory buildings may be used for bed and breakfast sleeping rooms when they were originally constructed to accommodate housing use.
4. If more than two (2) such rooms are for rent, each room shall have access to two (2) separate means of egress. Access shall not be through another bedroom.
5. Signs identifying the bed and breakfast operation shall comply with the requirements of Chapter 28 of the Novi Code of Ordinances, except that in a residential district identification signs shall be no larger than two (2) square feet.
6. Such facilities shall comply with all applicable local, county, state and federal ordinances, laws, rules, regulations and codes.
7. Guest occupancy shall be no longer than fourteen (14) consecutive days.
8. No more than four (4) occupants per room shall be allowed.
9. There shall be no cooking facilities for use by the occupants of the bed and breakfast sleeping rooms.
10. Lavatory and bathing facilities shall be available for all persons utilizing the bed and breakfast.
11. A fire escape plan shall be developed and graphically displayed in each guest room. A smoke detector in proper working order shall be placed in every sleeping room and a fire extinguisher in proper working order shall be placed on every floor. The site shall be reviewed by the Fire Official pursuant to the standards contained within Section 313 of the Novi Fire Prevention Code (Novi Code Chapter 15, Article II), as to the necessity for fire lanes.
12. One (1) off-street parking space shall be provided in the rear or side yard, behind the front building setback line, for each guest room. For parcels abutting an exterior side street, parking shall not be closer to the street than the principal structure. Such parking lot shall be exempt from paving requirements at Section 5.3.2.

4.19 ACCESSORY USES

Accessory uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Accessory Buildings
 - A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
 - B. Accessory buildings shall not be erected in any required front yard or in any required exterior side yard.
 - C. The total floor area of all accessory buildings shall not occupy more than twenty-five (25) percent of any required rear yard.
 - D. Each accessory building shall meet all setback requirements for the zoning district in which the property is situated, and all requirements of the City Code regarding woodlands and wetlands.
 - E. Except as set forth in Section 4.19.1.E.iv, in a residential district, the aggregate of all accessory buildings on the property shall not exceed the following square footage of area:
 - i. In the R-3, R-4 and RT districts, eight-hundred fifty (850) square feet;
 - ii. In the R-2 district, one-thousand (1000) square feet; and
 - iii. In the RA and R-1 districts, one-thousand five-hundred (1500) square feet; provided, however, that for lots in the R-1 district, the lot must meet the requirements of the Zoning Ordinance for area and width for such district, otherwise one-thousand (1000) square feet shall apply.
 - iv. For residential developments approved under Section 3.28, One-Family Clustering Option; Section 3.29, RUD, Residential Unit Development; and Section 3.30 Open Space Preservation Option, the aggregate of all accessory buildings on a one-family residential lot shall be governed by the underlying Zoning District on which the lot is located, unless varied by the approving body in accordance with such provisions.



v. In no instance shall the aggregate of all accessory buildings exceed the ground floor area of the principal building on the lot or parcel. Notwithstanding anything to the contrary in this subsection E, the aggregate of all accessory buildings in an R-A or R-1 district may exceed the ground floor area of the main building on the lot if all of the following conditions are met:

- a. The lot or parcel of land on which the accessory building is located has at least one (1) acre of area and is deed-restricted from future division, and
- b. The accessory building:
 - (1) Is customarily incidental to an existing permitted principal use in said district,
 - (2) Does not exceed two-thousand five-hundred (2,500) square feet in ground floor area for the total aggregate area of all accessory buildings on the lot, and
 - (3) Complies with applicable setback requirements at Section 4.86.4 and 4.86.5.

- F. Wherever possible, side entry garages shall be encouraged in residential districts.
- G. A detached accessory building shall not be located closer than ten (10) feet to any main building and shall not be located closer than six (6) feet to any interior side lot or rear lot line.
- H. In those instances where the rear lot line abuts an alley right-of-way, the accessory building shall be no closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within an easement or dedicated right-of-way. In those instances where the rear lot line abuts a street right-of-way, the accessory building shall be no closer to this line than the required front yard setback in the district in which the property is located.

- I. A detached accessory building in the R-1 through R-4, RT, RM-1, MH, OS-1, B-1, P-1, and NCC districts shall not exceed one (1) story or fourteen (14) feet in height. Accessory buildings in all other districts may be built to a height equal to the maximum permitted height of the district; provided, if the accessory building exceeds one (1) story or fourteen (14) feet in height, the building shall be set back one (1) foot for each foot the building exceeds fourteen (14) feet in height.
- J. Not more than one (1) detached accessory building shall be permitted on any lot having less than twenty-one thousand seven-hundred eighty (21,780) square feet of area. Not more than two (2) detached accessory buildings shall be permitted on any lot having twenty-one thousand seven-hundred eighty (21,780) square feet of area or more.
- K. Use of any detached accessory building in any Residential, Business or Office district for a use other than the parking and storage of private motor vehicles, tools, recreation equipment or dog houses shall require review and approval by the Zoning Board of Appeals.
- L. All attached and detached accessory buildings in excess of two-hundred (200) square feet shall be designed and constructed of materials and architecture compatible with the principal structure, and shall have a minimum roof pitch of 3/12 and overhangs of no less than six (6) inches.

2. Accessory Structures

- A. Accessory structures, except where otherwise permitted and regulated in this Ordinance, shall be located in the rear yard and shall meet the setback requirements of an accessory building.
- B. Flagpoles may be located within any required front or exterior side yard. Such poles shall be located no closer to a public right-of-way than one-half ($\frac{1}{2}$) the distance between the right-of-way and the principal building.



C. Canopies

- i. Canopies covering gasoline pump islands may extend into the required front or exterior side yards to a point fifteen (15) feet from the street right-of-way line. No signs shall be placed on any canopy other than a sign showing the height of the canopy. Such signs shall not exceed one (1) square foot in total display area.
- ii. Canopies or awnings installed on the facade of a building shall not be considered as extending into the setback area, providing:
 - a. The canopy or awning is retractable, or the canopy or awning can readily be disassembled without visible damage to the building facade or canopy itself; and
 - b. If the canopy or awning is in a nonresidential area, administrative approval through the Community Development Department is granted to assure compliance with this section and all other Zoning Ordinance requirements.

- D. Structures such as private television antennas, pole antennas or other private communication antennas, or towers, shall be located in the rear yard or on a rooftop so long as the height of the antenna, or tower, does not exceed the minimum horizontal distance from its base to the nearest property line; except in no case shall an antenna or tower exceed the maximum height limitation of the district in which it is located. Dish antennas in single- and two-family districts shall be located in the rear yard only and shall be placed in accordance with the requirements governing setbacks for accessory buildings. Dish antennas in all other districts shall be located in the rear yard, an interior yard area that does not make up any part of a peripheral yard area, or on the top of buildings with flat roofs at or near the center of the roof.

- E. The following restrictions shall apply to all buildings and structures other than for single-family residences:

- i. All roof top climate control equipment, elevator towers, transformer units and satellite dish antenna and similar items shall be screened from view so as not to be visible from any street, road or adjacent property. The planning commission may provide a waiver of this requirement as to satellite dishes where the requirement prevents the reception of satellite delivered signals or imposes costs on the user of such dish antenna that are excessive in light of the purchase and installation cost of the equipment. All wall mounted utility meters and utility outlets shall be enclosed and integrated into the design and color of the building, subject to safety and access requirements of respective utility companies. Refuse bins shall be subject to the screening requirements of Section 16-20 of the Novi Code of Ordinances.
- ii. Roof top appurtenances, including mechanical and electrical equipment, shall not exceed the maximum permitted building height limits, unless the following conditions are met. For every one (1) foot that a roof top appurtenance exceeds the maximum district building height, it shall be setback five (5) feet from any and all building faces. No roof top appurtenance shall exceed five (5) feet above the maximum district building height. In all instances, roof top appurtenances shall be screened in accordance with applicable facade regulations, and shall not be visible from any street, road or adjacent property. See Section 3.32.3 for other exceptions to the maximum building height limits.

- F. Refuse Bin (Dumpster, Trash Receptacle) with appropriate screening enclosure, as provided in Section 21-145 of the City Code, which shall conform to the following standards except as otherwise provided in the TC and TC-1 (Town Center) districts and the GE (Gateway East) district, and except where more specific standards are provided elsewhere in this ordinance:

- i. Except where otherwise permitted and regulated in this ordinance, refuse bins and their screening enclosures shall be located in the rear yard.



- ii. If a refuse bin enclosure is structurally attached to a main building, it is subject to regulations applicable to the main building.
 - iii. No refuse bin screening enclosure shall be located closer than ten (10) feet to any building, unless structurally attached to the building.
 - iv. No refuse bin screening enclosure shall be located closer to the property line than the minimum parking lot setback established in the Development Standards Section for the district in which it is located. If no parking lot setback is established, the refuse bin screening enclosure shall not be located closer than ten (10) feet to the property line.
 - v. In those instances where the rear lot line abuts an alley right-of-way, the refuse bin screening enclosure shall be no closer than one (1) foot to such rear lot line. In no instance shall a refuse bin screening enclosure be located within an easement or dedicated right-of-way.
 - vi. In those instances where the rear lot line abuts a street right-of-way, the refuse bin screening enclosure shall be no closer to this line than the required front yard setback in the district in which the property is located.
 - vii. Refuse bin screening enclosure shall be located as far away as possible from barrier free parking spaces.
- G. Solar collectors shall be defined as a device or combination of devices, structures, or parts thereof, that collect, transfer or transform direct solar, radiant energy into thermal, chemical or electrical energy and that contribute significantly to a structure's energy supply.
- i. Freestanding solar collectors shall be defined as solar collectors not attached to and separate from any existing structures on the site. Freestanding solar collectors shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.
 - ii. Structurally attached solar collectors shall be defined as solar collectors attached to an existing structure's roof or wall or serving as a structure's roof, wall, window or other structural member. Structurally attached solar collectors shall be a permitted accessory use in all districts and subject to administrative review and approval. Structurally attached solar collectors shall not be subject to the provisions of **Section 4.19.2.A** and shall not be included in the height requirements listed in Development Standards Section. Structurally attached solar collectors installed on a building with a sloped roof shall not project vertically above the peak of the roof. Structurally attached solar collectors installed on a building with a flat roof shall not project vertically more than five (5) feet above the roof.
- H. Outdoor furnaces as defined in **Section 2.2** are prohibited and shall not be installed or operated within the City of Novi.

4.20 HOUSING FOR THE ELDERLY

In all districts allowing for housing for the elderly the following regulations shall apply:

1. Shared Elderly Living consists of a maximum of four (4) unrelated elderly individuals, with or without spouses who may occupy a single dwelling structure specifically designed for such use. The dwelling shall provide for separate bedrooms and sanitary facilities for each occupant, (i.e., husband and wife shall constitute one (1) occupant), together with a shared kitchen, dining and living space. A minimum of two-hundred fifty (250) square feet of private space (bedroom and sanitary facilities) shall be provided for each occupant, together with shared space (kitchen, dining and living) of two-hundred (200) square feet per occupant. Each shared dwelling unit must be provided with qualified management services to maintain the premises. All dwellings must be compatible with abutting and surrounding single-family dwellings with respect to scale, character, materials and landscaping. Shared senior citizen living does not include adult foster care homes.
2. Independent Elderly living units may include attached or detached cottage-type dwellings, townhouses, or apartments consistent with all provisions of this Ordinance otherwise applicable to such dwellings.



EXHIBIT J

AFFIDAVIT OF CHARLES BOULARD

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

CHARLES BOULARD, being first duly sworn, deposes and states:

1. I am currently the Community Development Director for the City of Novi.
2. In my capacity as Community Development Director, I have had an opportunity to visit the site and to review all inspection reports as it pertains to property at Lot 9 of the Lake Wall Subdivision, a vacant residential lot fronting on Walled Lake. Lot 9 is approximately 0.14 acres in area and approximately 40.00' wide by 150.00' deep. The legal description of the parcel is T1N, R8E, SEC 3, LAKE WALL SUB LOT 9, Parcel Number 50-22-03-204-014. It is wholly located within the City of Novi, Oakland County, Michigan. (the "Subject Property").
3. As of April 27, 2022, the Subject Property is zoned R-4 Single Family Residential and is not permitted to be used for a marina, a lakefront recreational park, or for overnight mooring of boats and/or watercraft, in excess 1 (one) boat.
4. As of April 27, 2022 and for 11 years, I am personally aware that a dock has been installed on the subject property and that the property has been used for a marina use, including the overnight docking of multiple boats/watercraft.
5. It is typical for approximately 10 boats to dock on the Subject Property on an overnight/permanent seasonal basis.



[Faint, illegible text, possibly a signature or official stamp.]

6. Boats typically begin docking at the Subject Property in the months of April, May and June and remain through early October, when the dock is typically uninstalled for the winter.
7. The Subject Property does not meet the minimum requirements for the construction of a lakefront recreation park under the City of Novi Lakefront Protection Ordinance.
8. Boat mooring or docking facilities are permitted in the City of Novi on Walled Lake, provided there is not more than one (1) boat mooring or dock for every twenty-five (25) lineal feet of lake frontage within the lakefront recreational park. No boat mooring, dock or access shall be permitted outside of a lakefront recreational park, unless such mooring, dock or access is appurtenant only to a riparian single-family lot. The Subject Property does not meet the standard for multiple boats and only 1-boat is permitted in accordance with the Lakefront Use Standards based on the 40-ft width of the lot along the lake frontage.

Further, Affiant sayeth not.



CHARLES BOULARD

Subscribed and sworn to before me this
28th day of April, 2022.



Notary Public
Oakland County, Michigan
My Commission Expires: 11/13/2023

CATHERINE E. BENHAM
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Nov 13, 2023
ACTING IN COUNTY OF Oakland

EXHIBIT K

CODE OF ORDINANCES CITY OF NOVI, MICHIGAN modified

SUPPLEMENT HISTORY TABLE modified

■ PART I - CHARTER

■ Chapter 1 - GENERAL PROVISIONS

■ Chapter 2 - ADMINISTRATION

■ Chapter 3 - ALCOHOLIC LIQUOR

■ Chapter 4 - AMUSEMENTS AND ENTERTAINMENTS

■ Chapter 5 - ANIMALS

■ Chapter 6 - AUCTIONS AND AUCTIONEERS

■ Chapter 7 - BUILDINGS AND BUILDING REGULATIONS

■ Chapter 9 - CABLE TELEVISION SYSTEMS

■ Chapter 10 - COMMUNITY DEVELOPMENT

■ Chapter 11 - DESIGN AND CONSTRUCTION STANDARDS

■ Chapter 12 - DRAINAGE AND FLOOD DAMAGE PREVENTION

■ Chapter 13 - ELECTIONS

■ Chapter 14 - EMERGENCY PREPAREDNESS

■ Chapter 15 - FIRE PREVENTION AND PROTECTION

■ Chapter 16 - GARBAGE AND REFUSE

■ Chapter 17 - HISTORICAL PRESERVATION

- Chapter 18 - HOUSING
- Chapter 19 - LIBRARY
- Chapter 20 - MASSAGE
- Chapter 21 - NUISANCES
- Chapter 22 - OFFENSES
- Chapter 23 - OIL AND GAS WELLS
- Chapter 24 - OUTDOOR GATHERINGS AND FILMING PERMITS
- Chapter 25 - PARKS AND RECREATION
- Chapter 26 - PEDDLERS, SOLICITORS, COMMERCIAL HANDBILLS
- Chapter 26.5 - PERFORMANCE GUARANTEES
- Chapter 27 - PLANNING
- Chapter 27.5 - REGISTRATION AND LICENSING
- Chapter 28 - SIGNS
- Chapter 29 - SOIL
- Chapter 30 - SPECIAL ASSESSMENTS
- Chapter 31 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
- Chapter 32 - SUBDIVISION OF LAND
- Chapter 32.5 - TELECOMMUNICATIONS
- Chapter 33 - TRAFFIC AND MOTOR VEHICLES
- Chapter 34 - UTILITIES
- Chapter 35 - VEHICLES FOR HIRE
- Chapter 36 - WATERWAYS
- ARTICLE I. - IN GENERAL
- ARTICLE II. - BUSINESS OF OPERATING DOCKS AND/OR MARINAS

ARTICLE III. - RESERVED

Secs. 36-51—36-60. - Reserved.

ARTICLE IV. - LAKEFRONT PROTECTION

Chapter 37 - WOODLANDS PROTECTION

APPENDIX A - ZONING ORDINANCE

APPENDIX B - FRANCHISES

APPENDIX C - SUBDIVISION ORDINANCE

CODE COMPARATIVE TABLE

modified

STATUTORY REFERENCE TABLE - STATE CONSTITUTION

STATUTORY REFERENCE TABLE - MICHIGAN COMPILED LAWS

modified

STATUTORY REFERENCE TABLE - MICHIGAN STATUTES ANNOTATED

modified

< Sec. 35-75. - Hearing.

Chapter 37 - WOODLANDS PROTECTION >

Chapter 36 - WATERWAYS^[1]

:

ARTICLE I. - IN GENERAL

:

Secs. 36-1—36-15. - Reserved.

:

ARTICLE II. - BUSINESS OF OPERATING DOCKS AND/OR MARINAS

:

DIVISION 1. - GENERALLY

:

Sec. 36-16. - Definitions.

modified

:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business of operating a dock means the permitting of another person to use a dock by the owner or possessor of the dock for a valuable consideration.

Business of operating a marina means the permitting of another person to use a marina by the owner or possessor of the marina for a valuable consideration.

Dock means all forms of dock, wharf, pier or other structure used as a means of entrance to or exit from watercraft or used in connection with fishing and other waterfront activities.

Marina means a facility which is owned or operated by a person, extends into or over an island, lake or stream and offers services to the public or members of the marina for docking, loading, or other services of a recreational watercraft.

(Ord. No. 75-71, § 1.01, 12-1-75; Ord. No. 96-170, Pt. XXII, 4-7-97)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 36-17. - Warrant for inspection.

modified

⋮

Where the owner or occupant demands a warrant for inspection of the premises, the department of building and safety shall obtain a warrant from a court of competent jurisdiction. The department shall prepare the warrant, stating the address of the property to be inspected, the nature of the inspection, and the reasons for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g. license application, license renewal, complaint, area of recurrent violation basis) established in this article. The warrant shall also state that it is issued pursuant to this article, and that it is for the purposes set forth in this article. If the court finds that the warrant is in proper form, and in accordance with this article, it shall be issued forthwith.

(Ord. No. 75-71, § 4.01, 12-1-75)

Secs. 36-18—36-30. - Reserved.

⋮

DIVISION 2. - LICENSE^[2]

⋮

Sec. 36-31. - Required.

⋮

It shall be unlawful for any person to engage in the business of operating a dock and/or marina without obtaining a license under this division.

Sec. 36-32. - Application.



Any person wishing to engage in the business of operating a dock and/or marina shall make application to the department of building and safety for a license to do so; such application to be accompanied by a fee set by resolution of the council. The department of building and safety shall issue the license upon the following conditions; namely:

- (1) Each applicant shall state in his application the following:
 - a. The applicant's name and address;
 - b. The common address and legal description of the land that the applicant seeks to utilize as a dock or marina;
 - c. That the applicant has obtained all of the necessary permits that are required under Part 301 of Act No. 451 of the Pubic Acts of Michigan of 1994, entitled Inland Lakes and Streams (MCL 324.30101; MSA 13A.30101). A copy of the permit shall be attached to the application.
 - d. That the dock and facilities which the applicant desires to utilize in his business has been designed or examined by a professional engineer. That the professional engineer has certified that the dock and facilities are constructed so as not to endanger the life of the users and that the weightbearing capacity of such dock is not less than two hundred (200) pounds per square foot, live load. A copy of such certificate shall be attached to the application bearing the seal of the professional engineer;
 - e. That there is sufficient paved off-street parking space on the property on which the business will be operated in order to accommodate one (1) parking space for every two (2) boat berths and one (1) parking space for every five (5) running feet of dock length;
 - f. That there is provided within such marina a minimum of eight hundred seventy-five (875) square feet of space for the exclusive use of each boat berthed at such marina;
 - g. That there are toilet facilities on such premises approved by the county department of health. A copy of such approval shall be attached to the application;
 - h. That there are facilities on such premises for receiving of human body wastes from toilet and other receptacles intended to receive or retain body wastes on boats berthed at such marina.
- (2) Each application shall have attached to it a site plan drawn to scale, of the boundaries of the premises and the locations and dimensions of the dock, boat berths, and parking places together with plans and specifications including detailed drawings of the dock,

specifications of the materials used therein, the weightbearing capacity of the dock in pounds per square foot, live load.

- (3) Each application shall have attached to it an environmental impact study demonstrating that the facility and the operation of the dock and/or marina is not likely to pollute, impair or destroy the air, water, or other natural resources or the public trust therein.

(Ord. No. 75-71, § 2.01, 12-1-75; Ord. No. 97-160, Pt. XXIII, 4-7-97)

Sec. 36-33. - Renewal.

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- (a) Every person who receives a license to engage in the business of operating a dock and/or marina shall thereafter make an application to the department of building and safety for a renewal of such license on or before January first of each succeeding year; such application to be accompanied by a fee set by resolution of the council. The department of building and safety shall issue such license upon the following conditions; namely:

- (1) Each applicant shall state on his application the following:

- a. The applicant's name and address;
- b. The common address and legal description of the land the applicant seeks to utilize as a dock or marina;
- c. That the applicant has obtained all of the necessary permits that are required under Part 301 of Act No. 451 of the Public Acts of Michigan of 1994, entitled Inland Lakes and Streams (MCL 324.30101; MSA 13A.30101). A copy of the permit shall be attached to the application.
- d. That the dock and facilities which the applicant desires to utilize in his business have been designed or examined by a professional engineer. That the professional engineer has certified that the dock is constructed so as not to endanger the life of the users and that the weightbearing capacity of such dock is not less than two hundred (200) pounds per square foot, live load. A copy of such certificate shall be attached to the application bearing the seal of the professional engineer;
- e. That there is sufficient paved off-street parking space on the property on which the business will be operated in order to accommodate one (1) parking space for every two (2) boat berths and one (1) parking space for every five (5) running feet of dock length;
- f. That there is provided within such marina a minimum of eight hundred seventy-five (875) square feet of space for the exclusive use of each boat berthed at such marina;
- g.

That there are toilet facilities on such premises approved by the county department of health. A copy of such approval shall be attached to the application;

h. That there are facilities on such premises for receiving of human body wastes from toilets and other receptacles intended to receive or retain body wastes on boats berthed at such marina.

(2) Each application shall have attached to it a site plan drawn to scale of the boundaries of the premises and the locations and dimensions of the dock, boat berths, and parking spaces together with plans and specifications including detailed drawings of the dock, specifications of the materials used therein, the weightbearing capacity of the dock in pounds per square foot, live load.

(3) Each application shall have attached to it an environmental impact study demonstrating that the facility and the operation of the dock and/or marina is not likely to pollute, impair or destroy the air, water, or other natural resources or the public trust therein.

(b) If any license fails to comply with this section, the renewal of his license shall be withheld, but the licensee may be reinstated by the department of building and safety upon subsequent compliance with the provisions of this section.

(Ord. No. 75-71, § 2.02, 12-1-75; Ord. No. 97-160, Pt. XXIV, 4-7-97)

Sec. 36-34. - Denial or revocation.

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(a) The building official shall withhold the renewal of the license or revoke the license for any of the following causes:

(1) For fraud or deceit in procuring a license to engage in the business of operating a dock or marina or in the renewal of the license;

(2) The dock has become in disrepair so that the weightbearing capacity of such dock shall be less than two hundred (200) pounds per square foot, live load;

(3) The dock has become in such disrepair as to be likely to endanger persons or property.

(b) Prior to the refusal to renew the license or the revocation of the license, a hearing shall be held before the building official upon notice given to the licensee in writing specifying the time, place of hearing, and reason for withholding the license or revocation of the license. Notice shall be served upon the licensee personally or by certified mail, return receipt requested, addressed to the address of the licensee on his application, ten (10) days before the date of hearing described in the notice. At the hearing, the licensee may be represented by counsel and a record shall be made, however, the record need not be a verbatim record.

(c)

The determination to refuse to renew the license or the revocation of the license is appealable to the zoning board of appeals, upon written request for a hearing before the board of appeals. In the absence of such request being filed within ten (10) days after determination of withholding the renewal of the license or revocation of the license, the determination is final.

(Ord. No. 75-71, §§ 3.01—3.03, 12-1-75)

Sec. 36-35. - Violations.

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Any person, firm or corporation determined to have been in violation of the provisions of this article shall be responsible for a municipal civil infraction and subject to the provisions of section 1-11 of this Code.

(Ord. No. 03-172, Pt. XIII, 10-20-03)

Secs. 36-36—36-50. - Reserved.

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ARTICLE III. - RESERVED^[3]

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Secs. 36-51—36-60. - Reserved.

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ARTICLE IV. - LAKEFRONT PROTECTION

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Sec. 36-61. - Findings.

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The council hereby finds that lakes within the city are indispensable natural resources. They are, however, natural resources subject to overuse through continued unregulated development and the resulting granting of lake access to additional uses. Pursuant to Article IV, Section 52 of the Constitution of 1963, the conservation and development of natural resources of the state is a matter of paramount public concern in the interest of the health, safety and general welfare of the people. It is therefore the policy of the city to protect these lakes from such overuse and resulting lake degradation or destruction.

(Ord. No. 86-126, § 2.01, 8-4-86)

Sec. 36-62. - Lakefront use standards.

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The following standards shall apply to the development and use of lakefront property in RA, R-1, R-2, R-3, R-4, MH, RM-1, RM-2 and NCC zoning districts. These standards are in addition to the other requirements contained within Appendix A, "Zoning Ordinance," including those pertaining to each zoning district established:

- (1) No parcel of land contiguous to a lake shall be subdivided for single-family detached home sites or developed for multiple-residential, cluster housing or mobile home park usage whereby the owners or occupants of individual dwelling units or lots will be granted access to the abutting lake for waterskiing, swimming, water sports, boating access or similar lake usage unless the subdivision or development includes a nonpublic lakefront recreational park in accordance with the requirements of this section.
- (2) No parcel of land contiguous to a lake shall be used to provide lake access for waterskiing, swimming, water sports, boating access or similar lake usage to the owners or occupants of adjacent or neighboring subdivisions, multiple-residential developments, cluster housing developments or mobile home parks, unless the parcel includes a nonpublic lakefront recreational park in accordance with the requirements of this section.
- (3) In the case of a lakefront subdivision, the city shall be provided copies of proposed covenants and restrictions indicating which subdivision lots will have access rights to the required lakefront recreational park. In the case of a multiple-residential, cluster housing or mobile home park development it is presumed that all owners and occupants of the development are to be permitted access to the lakefront recreational park. The design and accessibility of a proposed lakeshore park must be approved by the city as a part of plat approval or site plan review.
- (4) A lakefront recreational park shall include at least twenty-five (25) lineal feet of lake frontage and one hundred fifty (150) square feet of area for each lot or dwelling unit served by the park. Irrespective of the number of lots or dwelling units served, no lakefront recreational park shall have less than two hundred (200) lineal feet of lake frontage or less than twenty thousand (20,000) square feet of area. For purposes of this subsection, the natural lake frontage existing prior to any proposed development alteration shall be considered.
- (5) No boat launching facility, including but not limited to boat ramps, shall be permitted in a lakeshore recreational park. Boat mooring or docking facilities are permitted, provided there is not more than one (1) boat mooring or dock for every twenty-five (25) lineal feet

of lake frontage within the lakefront recreational park. No boat mooring, dock or access shall be permitted outside of a lakefront recreational park, unless such mooring, dock or access is appurtenant only to a riparian single-family lot.

(6) There shall be no full or part-time residence in a lakefront recreational park.

(Ord. No. 86-126, § 3.01, 8-4-86)

Sec. 36-63. - Site plan review.

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No proposed development on lakefront property shall be granted site plan approval unless the reviewing authority finds that the requirements of section 36-62 have been satisfied.

(Ord. No. 86-126, § 4.01, 8-4-86)

Sec. 36-64. - Violations.

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Any use or activity in violation of the terms of this article is hereby declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.

(Ord. No. 86-126, § 5.01, 8-4-86)

< Sec. 35-75. - Hearing.

Chapter 37 - WOODLANDS PROTECTION >