

Building Guidelines

The following Guidelines, along with the Deed Restrictions (<http://www.lakeleann.org/deed-restrictions.html>), are used by the LLPOA, Board of Directors, and the Building Control Committee (BCC) in approving, auditing, and enforcing all building within the Association. The Guidelines are additive to the Deed Restrictions and are intended to maintain consistent building criteria for the Association and its Members.

Note: A Member must be in good standing to receive building approval.

Any structure erected, placed, or altered on any lot in the subdivisions must be approved in writing by the Building Control Committee prior to start of construction. Such approval will be made upon submission of satisfactory plans including a grid map showing the location of structure on the lot. Please see individual Subdivision Deed Restrictions for minimum standards.

Failure to obtain an approved application for a BCC building permit before a building project is started will result in double the permit fee.

Definition of structure - Something such as a house, shed, deck, etc. that is built by putting parts together and that usually stands on its own.

A. House Construction

Any structure erected on any lot in the subdivisions shall be a private residence for use by the owner or occupant.

A lakefront house maximum height requirement is a story and ½. The second story can only be one-half the square footage of the first story of a house.

The height of a house will be determined from the grade level at which the house is built and from the street side of the house. Exposed basements facing the lake are not considered a story of a house. Example: An exposed basement facing the lake and with one floor above ground level on the street side is considered a one story home. See the Appendix on Story Height for more examples.

B. Garage (types and requirements)

Any structure erected, placed, or altered on any lot in the subdivisions must be approved in writing by the Building Control Committee prior to start of construction. Such approval will be made upon submission of satisfactory plans including a grid showing the location of structure on the lot. Please see individual Subdivision Deed Restrictions for minimum standards.

Garage Types*



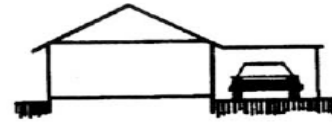
Attached Garage

Attached garage, a structure for automobiles, has one or two walls in common with the residence.



Detached Garage

Detached garage is free-standing, separate from the residence.



Carport

A roofed cover for automobiles, usually attached to residence and either open or enclosed by one or two walls.

*Garage Types obtained from State of Michigan Assessor's Manual Vol. 1. (2003)

Any structure larger than 10 X 20 that is used to store a car/truck is considered a garage and is required to be attached to the house on Lake Front lots. Sidewalks and drive ways of any type are not considered structural attachments.

Garage Requirements

1. A structure larger than 10X20 that is used to store a car/truck is considered a garage.
2. Garage must be attached to dwelling if on a lakefront lot.
 - a. Using roof line with minimum of 4/12 pitch
 - b. Fascia must match existing dwelling
 - c. Enclosure of attachment not required, but if enclosing, matching siding is required
3. Matching shingles or roofing material to the house
4. Minimum of 36-inch width from outside to outside of fascia

C. Accessory Structure: Boat house requirements (per Deed Restrictions)

Any structure erected, placed, or altered on any lot in the subdivisions must be approved in writing by the Building Control Committee prior to start of construction. Such approval will be made upon submission of satisfactory plans including a grid showing the location of structure on the lot. Please see individual Subdivision Deed Restrictions for minimum standards.

1. Must match the appearance of the house, and may be constructed using Wood, Plastic, Vinyl, or Metal materials.
2. The roof must have a minimum 4/12 pitch with a fascia that matches the House.
3. Matching shingles or roofing material to the house
4. The structure may not exceed 24'x36' as a footprint with a maximum height of 24' from the roof peak to finished grade.
5. Wall height not to exceed 10.'
6. Storage of vehicles such as cars, trucks, and RVs are not permitted. Any structure larger than 10'x20' that is used to store a car/truck is considered a garage and will follow the garage requirements.
7. Storage of Boats, trailers, and lake accessories is permitted.

D. Sheds

Any structure erected, placed, or altered on any lot in the subdivisions must be approved in writing by the Building Control Committee prior to start of construction. Such approval will be made upon submission of satisfactory plans including a grid showing the location of structure on the lot. Please see individual Subdivision Deed Restrictions for minimum standards.

1. Needs approval if larger than a 6'x6'x4'H, but cannot exceed 150 square feet.
2. A shed cannot exceed sixteen (16) feet from the foundation to the peak of the roof.

E. Lot Coverage Allowed

Defined as the part or percentage of any lot occupied by buildings/structures, including accessory structures. Lot coverage is not to exceed 30% of the lot square footage for all residential properties*. This is calculated by adding together the square footage of all approved structures and dividing them by the total lot square footage. Exceptions to the maximum percentage of 30% will require a variance application to be reviewed by the BCC using established BCC variance criteria as outlined in these building guidelines.

*Any allowed commercial properties are subject to Township Lot Coverage ratios for the specific zoning type that is applicable.

*Lots may be merged at Somerset Township for building purposes.

F. Disposal of Building-Related Material

All building-related material (tree stumps (from clearing the land), posts, trash, wire, etc.) shall be removed from the site before any final inspection on approved building plans.

G. Fences

A barrier, railing, or other upright structure typically made of wood or wire enclosing an area of ground to mark a boundary, control access or prevent escape.

Any construction extending more than one foot above the ground with a maximum height not to exceed four (4) feet must have BCC approval. State law will determine pool fence height at time of application.

Fences, or walls, are permitted. Fences must be constructed to blend with the natural surroundings and not give a feeling of blocking or enclosure as determined by the Building Control Committee.

Fences, or fencing can have a maximum of eighty percent (80%) coverage and a minimum of twenty percent (20%) open area, and must have at least one and one half inches between vertical, horizontal, or diagonal fence materials so as not to conceal. In no case may fencing or walls obstruct the sight line of traffic.

Fences must be constructed with approved material(s), which may include brick, stone, wood, chain link, or artificial materials, such as vinyl or plastic, which very closely replicate natural materials. Aside from wood, brick, stone, vinyl and chain link, no other opaque materials may be used to construct fences or walls.

Fences on lake lots are not allowed to be parallel to the water's edge unless under the guidance of the Dog Pen Building Guidelines. Side fences must be a minimum of 25 feet from the water's edge.

The Building Control Committee must approve all fences or walls and in no case shall a fence, fencing or wall be erected closer than twenty-five feet (25 ft.) to the front property line.

H. Dog Pens

A dog pen may be erected in the rear yard close to the house and as far away from neighboring property as possible. The pen would be of chain link, freestanding without permanent poles, with a suggested height of 48" and a maximum height of 72", and not exceed 144 square feet of enclosed space. The free standing pen structure must securely contain the dog. If the pen is in clear view of neighboring property a visual barrier such as evergreens is encouraged.

It is recommended that the homeowner installing the dog pen make the neighboring property owners aware of the proposed pen location. Consideration for neighbors and the possibility of UNACCEPTABLE barking noise caused by housing a dog in the outdoors is essential when planning a dog pen.

Any other pen or fencing must be approved by the LLPOA Building Control Committee prior to being erected. Dog pens for commercial breeding purposes are not allowed on residential lots.

I. Similarity to Existing Structures

The Committee may reject any plan because of too great a similarity to nearby existing structures. For a home to be considered not similar, the visual look of the home must be different. We are concerned with the outside appearance. The elevation must be physically different and should be evaluated by the following:

	Category
• Covered front porch 10 feet or more in length	3
• Garage	3
• Roof pitch and gable.	2
• Dormer(s)/size	2
• Covered front porch less than 10 feet in length	2
• Configuration & position of windows & doors +/- 25%.	1
• Uncovered porch dimensions and construction	1
• Trim detail	1

For a house to be considered different, it must be noticeably different and have a total point value of three (3) or higher from the category numerical value above. Perception of the house is that this elevation is not the same as the others in the community. This should pertain to the homes on and within the adjacent blocks of the house being considered.

J. Building Requirements

1. Overhang

Minimum requirement is 12 inches.

2. Roof Pitch

Minimum requirement is 4/12.

3. Setbacks

Any structure erected must be set back not less than 25 feet from the front lot line and not less than 25 feet from any side street lot line. Side line setbacks shall be not less than 10% of the width of the lot at the building line.

K. Docks

1. No dock may be erected without approval of the Building Control Committee.
2. All dock placements must have enough room to leave a safe area for parking of boats.
3. The maximum length a dock may be protruding from shore across the water is the shortest of: Thirty-five (35) feet or one third (1/3) of the distance across any channel where placed.
4. All docks must be located so that any boat or raft tied to the dock will not encroach on the neighbor's property.
5. LLPOA members may not place docks where they restrict the access of other boaters, or that are considered a nuisance or interfere with the enjoyment of the lake by others.
6. All contested dock placements will be referred to the LLPOA BCC. The Committee may request from the LLPOA member whose dock is being contested any of the following, but is not limited to: (a.) site visit drawings, plot plans, or other related documents.
7. Note: Decisions made by the BCC will be based on the safety and the enjoyment of the lake by all members. This may include but is not limited to:
 - i. Removal of docks.
 - ii. The sharing of a dock by two parties.
 - iii. The moving of a dock to a different location.
 - iv. A change in the dimension of the docks involved.
 - v. Placement of watercraft/lifts adjacent to docks.
8. LLPOA members must follow the following procedures before a dock may be permanently erected: Submit a written request to the BCC. If approved, submit your approval to the Department of Natural Resources for a permit.

L. Seawalls and other Shoreline Projects

These fall under the authority of, and must be approved by, the Lake Control Committee and the State of MI.

M. Appeals, Variances, and Notice Given

1. Appeals

An Applicant in Good Standing has the right to request an appeal of any decision by the BCC, by filing a written request to the LLPOA Board of Directors, c/o the LLPOA Office, within 31 calendar days of the BCC decision.

Upon receipt of such request for an appeal, the Board shall cause the same to be investigated, and efforts shall be made to resolve the appeal without a Board hearing. A minimum of 7 days is required for an investigation.

If such appeal is not resolved by the next regularly scheduled Board meeting, the Board shall then forward by certified mail, or cause to be personally delivered to the Applicant filing the appeal, a notice that a hearing will be held on subject appeal by the Board at the next regularly scheduled Board Meeting, at least ten days after such notice is mailed or delivery made personally to the Applicant.

The Board of Directors shall decide each appeal within 90 days of the Date Received by the LLPOA Office. A record of each appeal and the Board's recommendation to the BCC shall be maintained on file in the LLPOA office.

2. Variances

A variance is the authorized minor departure from the Building Rules and Regulations in direct regard to a hardship peculiar to an individual lot. The BCC may allow reasonable variances from the provisions of these Building Rules and Regulations if literal application results in unnecessary hardship, and if such variance is in general conformance with these Building Rules and Regulations.

The BCC may grant a variance after giving due consideration to the following conditions:

- a) That the lot size, shape or topographic configuration is such that unnecessary hardship results there from and not from the provision of either the Building Guidelines nor the Deed Restrictions.
- b) It is unreasonable to develop the property in strict conformance with this Building Guidelines because of the above-mentioned physical circumstances.
- c) That such unnecessary hardship has not been created by the owner or his agent.

- d) That the variance will not alter the essential character of the subdivision nor impair the use or development of adjacent property.
- e) That the variance will represent the minimum possible departure from the Building Code that will afford relief.
- f) That the variance does not contradict a township or county ordinance or building code, or a provision of the State of Michigan Building Codes at the time the variance is granted.

3. Notice given

Adjacent property owners within 300 feet, including those across streets or lake channels, are to be notified of such variance, given the opportunity to express their position in writing, and be notified of the hearing and be allowed to voice their opinion. Notice shall be sent to the last contact shown on the LLPOA membership list at least 15 days in advance of the hearing date by the person requesting the variance. The property owner shall pay for all notices.