

**Court of Appeals, State of Michigan**

**ORDER**

Kris Nemecek v City of Coopersville Zoning Board of Appeals

Docket No. 329094

LC No. 14-004041-AA

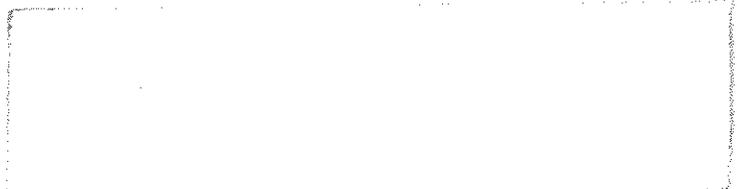
Joel P. Hoekstra  
Presiding Judge

David H. Sawyer

William B. Murphy  
Judges

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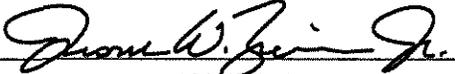
The Court orders that the delayed application for leave to appeal is DENIED because petitioner does not contest the basis on which the Zoning Board of Appeals denied her application for a variance, failure to comply with standard (3) in Section 1244.11 of the city's zoning ordinance, and because petitioner has not properly preserved the issues she raises in her delayed application for leave to appeal. *Gen Motors Corp v Dep't of Treasury*, 290 Mich App 355, 386; 803 NW2d 698 (2010); *Walters v Nadell*, 481 Mich 377, 387; 751 NW2d 431 (2008); *Vushaj v Farm Bureau Gen Ins Co*, 284 Mich App 513, 519; 773 NW2d 758 (2009). Although we have the inherent power to review an issue not raised in the trial court to prevent a miscarriage of justice, *Walters, supra*, and although having to remove all or part of her garage will undoubtedly cause petitioner hardship, that is not the same as a miscarriage of justice, particularly because the surveyor's note on the October 3, 2013 survey alerted petitioner to the possible property dispute before she began construction of the garage and indeed, before she even applied for the building permit.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

DEC 16 2015

Date

  
Chief Clerk