

“ASK THE EXPERT”

Question: Is it legal for someone to build a cottage so that it interferes with my view of the lake?

Answer: Generally, yes. Some states have a so-called “right of view.” In those states, there are limits regarding structures and buildings that can be built on one property that would obstruct the view from another property of a significant feature, such as a lake, mountain range or forest, or diminish light from shining onto a property. In Michigan, there is no common law right to a view. *See Hasselbring v Koepke*, 263 Mich 466 (1933); *Desai v Rabbani*, (unpublished decision of the Michigan Court of Appeals dated January 5, 2001, Case No. 216333; 2001 WL 792195). Nor is there any Michigan statute according such a right. However, local zoning regulations in some municipalities can indirectly protect views (although very few, if any, directly regulate views). For example, some municipalities have height regulations on buildings, fences, and other structures located within a certain distance of a lake, river or other body of water. Such regulations can indirectly protect the views from adjoining properties.

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