

# MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, August 5, 2010

7:00 p.m. - Council Chambers, City Hall, 70 Maple Street,  
Manistee, Michigan

## AGENDA

### I Call to Order

### II Roll Call

### III Approval of Agenda

At this time the Planing Commission can take action to approve the August 5, 2010 Agenda.

### IV Approval of Minutes

At this time Planning Commission can take action to approve the July 1, 2010 meeting Minutes.

### V Public Hearing

#### Linden Court Development Inc., Amend Special Use Permit

A request has been received from Linden Court Development Inc. (Bayview Condominiums) to amend the Special Use Permit that was issued on August 7, 1997 by removing a "sliver" piece of property located between the parcel at 91 Arthur Street (51-101-275-09) from the Development. In the event the Planning Commission approves the Amendment the "sliver" piece of property will then be combined with the property at 91 Arthur Street.

At this time the Chair shall open the hearing  
The Chair will ask the Applicant to make a presentation on the request  
City Staff shall give a report on the request  
The hearing will be opened for public comment  
The hearing will be closed

### VI New Business

#### Linden Court Development Inc., Amend Special Use Permit

A public hearing was held earlier in response to the request from Linden Court Development Inc. (Bayview Condominiums) to amend the Special Use Permit that was issued on August 7, 1997 by removing a "sliver" piece of property located between the parcel at 91 Arthur Street (51-101-275-09) from the Development. In the event the Planning Commission approves the Amendment the "sliver" piece of property will then be combined with the property at 91 Arthur Street.

At this time the Planning Commission could take action to approve/deny/approve with conditions the request from Linden Court Development Inc. to amend the Special Use Permit by removing the “sliver” piece of property from the development as shown on Site Plan prepared by West Shore Consulting Job #627-3A - Replat No 2 dated 1/19/09.

### **Linden Court Development Inc. - Parcel Split and Combination**

A request has been received from Linden Court Development Inc. to split a “sliver” piece of property from the Special Use Permit for Bayview Condominiums and combine it with the property at 91 Arthur Street, Parcel #51-101-275-07. The property is located between the property at 91 Arthur Street and Manistee Lake.

At this time the Planning Commission could take action to approve/deny the request from Linden Court Development Inc. for a Parcel Split and Combination to remove the “sliver” piece of property from the Special Use Permit for Bayview Condominiums and combine it with the property at 91 Arthur Street, Parcel #51-101-275-07.

## **VII Old Business**

## **VIII Public Comments and Communications**

At this time the Chair will ask if there are any public comments.

## **IX Correspondence**

At this time the Chair will ask if any correspondence has been received to be read into the record.

## **X Staff/Sub-Committee Reports**

At this time the Chair will ask Staff for their report.

At this time the Chair will ask if any of the Sub-Committees have anything to report.

## **XI Members Discussion**

At this time the Chair will ask members of the Planning Commission if they have any items they want to discuss.

## **XII Adjournment**

## Bayview Condominiums of Manistee

Michael R. Wood  
10130 N. Centerline Road  
Bitely, Michigan 49309  
231-745-3236 Fax 745-8736

City of Manistee Community Development  
Mr. Jon R. Rose

Reference: Notification of Public Hearing, August 5 7:00 p.m.  
Subject: Linden Court Development, Inc.

Dear Mr. Rose:

This letter is to inform you that the individual owners of Bayview Condominiums of Manistee recognize and do not object to the "sliver of land" being transferred from Condominium Complex General Common Elements to Linden Court Development, Inc. nor do we object to this "sliver" being added to the (old) Little Ceasars parcel 51-51-101-175-07.

The "sliver" property transfer as well as property east of the Condo complex between the condo parcel and the (old ) Little Ceasars parcel were granted as part of a legal settlement -Case #07-12784-CK (the Honorable James M.. Batzer).

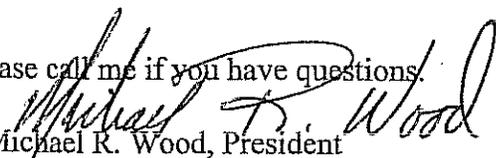
I, Michael R. Wood as President of the Owners Assopciation and the Board of Directors have written consent from the owners for resolution of this case.. As such I believe it is in the interest of all parties that I mention several other related points.

. The Fifth amendment to the Master Deed of Bayview Condiminiums of Manistee filed and recorded, November 6, 2009, reflects the smaller Bayview lands. Without the "sliver" waterfront and less General Common Element land north of Building 2, the Taxable Value of all the Individual units and Assessments should be lowered. (Tax IDs 51-51-142-010-001 to 022). This is valuable land that the owners gave up without compensation and lowered their individual unit values.

. As part of the Case settlement the Owners Association of Bayview Condominiums of Manistee was granted a permanent "use of and sale of" restriction that limits any and all parts of parcels 55-51-101-275-07 and 09 to "Residential Use."

. I have marked up your rough sketch attachment to assure we each understand the parcel numbers we are addressing.

Thank you for your consideration. Please call me if you have questions.

  
Michael R. Wood, President  
Owners Association and Board  
(Cell 231-250-1594)

Attachment

cc.

Mr. R. Edward Kuhn  
Zimmerman, Kuhn Darling  
Boyd, Quandt and Phelps, PLC.  
Bayview Owners Association

City of Manistee  
Assessors Office  
and Treasurers Office

Linden Court Development, Inc.

STARS NORTH →

± US 31  
(ARTHUR STREET)

BAY VIEW  
CONDOS

LITTLE  
CEASARS  
BLDG  
NOW READY  
FIRST

MOONLIGHT  
MOTEL  
RV PARK

Current # 51-101-275-09

51-51-101-275-07

35.20'±

51-51-142-000-00

24'±

158'±

SEAWALL

Old Parcel  
# as part of  
Bayview Condominiums  
of Manistee

MANISTEE LAKE

City of Manistee  
7-13-10  
Attachment



PLANNING AND ZONING  
COMMUNITY DEVELOPMENT  
231.398.2805  
FAX 231.723-1546  
www.ci.manistee.mi.us

## MEMORANDUM

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TO: Planning Commissioners  
FROM: Denise Blakeslee  
DATE: July 26, 2010  
RE: August 5, 2010 Planning Commission Meeting

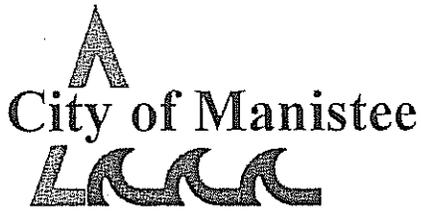
Commissioners, we have the following items on the August 5, 2010 Planning Commission Agenda:

**Linden Court Development Inc., Amend Special Use Permit** - A request has been received from Linden Court Development Inc. (Bayview Condominiums) to amend the Special Use Permit that was issued on August 7, 1997 by removing a "sliver" piece of property located between the parcel at 91 Arthur Street (51-101-275-09) from the Development. In the event the Planning Commission approves the Amendment the "sliver" piece of property will then be combined with the property at 91 Arthur Street.

**Linden Court Development Inc. - Parcel Split and Combination** - A request has been received from Linden Court Development Inc. to split a "sliver" piece of property from the Special Use Permit for Bayview Condominiums and combine it with the property at 91 Arthur Street, Parcel #51-101-275-07. The property is located between the property at 91 Arthur Street and Manistee Lake.

If you are unable to make the meeting please call or leave a message 398-2805.

djb



PLANNING AND ZONING  
COMMUNITY DEVELOPMENT  
231.398.2805  
FAX 231.723-1546  
www.ci.manistee.mi.us

## STAFF REPORT

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TO: Planning Commissioners  
DATE: July 15, 2010  
RE: Linden Court Development Inc. - Request

Commissioners, we have received a request from Linden Court Development Inc. to Amend their Special Use Permit by removing a portion of the property and combining it with the adjacent property.

### Ownership of Property:

In 1997 the property was owned by Fred and Carol MacDonald and Linda Boss. The property was the site of the Voyagers Cove Marina and the building on site was vacant. The Dunlap's wanted to develop the property and were on the application with MacDonald/Boss. Once approvals were received the property was transferred and development of Bayview Condominiums began under Linden Court Development Inc. (The Dunlap's).

### Special Use Permit:

Under the previous Zoning Ordinance a PUD required a parcel size of eight (8) acres or more. A Marina was already located on the site. A request was made to amend the Zoning Ordinance that would allow "Apartment Buildings" in the C-3 Commercial District. The Amendment was approved and conditioned to read: "Apartment Building, with no more than one living unit for each two thousand five hundred (2,500) square feet of parcel area with no outside storage."

Since the property did not meet the requirements of a PUD, the applicant applied for and received all the necessary variances from the Zoning Board of Appeals to proceed with development.

### Amendment

The request to remove the strip of property that the applicant refers to as the "Sliver" and combine it with the adjoining parcel has been ongoing since 2009 when new condominium documents were received that had removed the "Sliver" from the Development. The Assessor's Office has created a "ghost" parcel for that property until the request was received for processing.

Linden Court Development Inc. has been in litigation with the Bayview Condominium Owners Association regarding the removal of the "Sliver" property from the Association. Linden Court Development, Inc. has stated that both parties have entered into an agreement that allows the property to be removed from the Association. We have asked for documentation that the Association does not object to this request.

#### Staff Recommendation

The development is consistent with the requirements of the W-F Waterfront District and the Master Plan.

For clarification purposes we recommend that the Amended Special Use Permit be for a Mixed Use Development for Condominiums and Marina. We also recommend that the original conditions of the Zoning Amendment be reinstated:

"No more than one living unit for each two thousand five hundred (2,500) square feet of parcel area"

"No outside storage"

In addition the Amendment Should be conditioned upon

"The "Sliver" part of the parcel will be combined with parcel 51-101-275-07 (91 Arthur Street)"

JRR:djb

# MANISTEE CITY PLANNING COMMISSION

70 Maple Street  
Manistee, MI 49660

## MEETING MINUTES

AUGUST 7, 1997

A Meeting of the Manistee City Planning Commission was held on Thursday, August 7, 1997 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Richard Franckowiak, Kristie Harless, John Lakos, John Serocki, Tony Slawinski, Roger Yoder

**MEMBERS ABSENT:** Mike Fatke, Duane Jones, Mathew McShane

**OTHERS PRESENT:** Jon Rose (Community Development Officer), R. Ben Bifoss, (City Manager) Jan Gavliniski (City Council), Jeff Mikula (Abonmarche), Denise Mikula (City Staff), Martin Prieb (Manistee News Advocate), Jim & Mary Jane Merritt (179 Quincy Street), Laura Horvat (Super 8), Tim Fogerty (Ace Hardware), Mary Ann Kaczmarek (1782 Vine Street), Dennis Dunlap, Fred MacDonald, Kendra Thompson (Kendra C. Thompson, Architects P.C.), Jim Kieszikowski (Oak Grove International), Dave Solberg (Solberg Marina)

Meeting was opened at 7:01 p.m. by Chairman R. Yoder.

### **PUBLIC HEARING:**

Fred MacDonald - Zoning Amendment - Special Use Permit

Public hearing opened at 7:02 p.m.

Fred MacDonald ETAL has requested a Zoning Amendment adding Residential as a Special Use to the existing Special Uses listed under C-3 Zoning. Mr. & Mrs. MacDonald, Linda Boss and Dennis & Linda Dunlap would like to construct a mixed use development consisting of 22 residential and marina condominiums at 45 Arthur Street. Presently the property is an abandoned Marina with a run-down sales building located on Manistee Lake. Mr. MacDonald is also requesting a 10 foot waterfront set-back for the proposed building on this property. Notification has been mailed to the adjoining property owners that are within 300 feet of this property.

Dennis Dunlap spoke on their plans to refurbish the Marina and have already started the permit process with the Department of Environmental Quality. The Project would be constructed in two phases. The first phase would consist of ten units and phase II would be the final twelve units. Plans include sheet-piling the marina and installation of new docks. Kendra Thompson, architect for the project handed out concept designs on the project and spoke on their development plans.

Jon Rose did a site plan review on the current plans and two areas will need to be addressed by the Zoning Board of Appeals. The height of the proposed buildings is 35.5 feet and exceeds the 30 foot height limitation by 5.5 feet. The ordinance calls for a 50 foot waterfront set-back and the developers are asking for ten feet.

Discussion was held on parking. With a garage for each unit they meet the requirements of the ordinance. Also questions on the number of boat slips were asked. The plans are for 22 condominium units to be built and shows 30 boat slips. There does not appear to be any room for parking for additional boat slips in the plan. Mr. Rose said that he had received a call from DEQ and they also were inquiring on the number of units being built. DEQ may only issue a permit that reflects the number of units. Questions were asked on storage for boat trailers and storm drainage problems in the area.

There being no further discussion the public hearing closed at 7:16 p.m.

#### Ace Hardware - Zoning Amendment - Street Vacation

Public hearing opened at 7:17 p.m.

Ace Hardware, 1425 U.S. 31 South has requested a Zoning Amendment for Lots 52 - 65 of Reitz Addition. This property is vacant and is located behind the Ace Hardware Building that is in Filer Township. Ace Hardware's request is to re-zone from R-5 Residential to C-1 Commercial for a retail lumber business. Ace is also requesting to vacate Maywood from Forest to Park. This is a platted but undeveloped street. Notification has been mailed to the adjoining property owners that are within 300 feet of this property.

Tim Fogerty of Ace Hardware spoke of their plans to add a lumber yard to their hardware business. Plans are for enclosed buildings, an attractive chain link fence, and mercury lighting on the buildings.

A letter was received from Margaret Ney-Blauwkamp, 1113 Forest Avenue expressing a concern about increased traffic in the residential neighborhood if the lumber yard is accessed from Vine Street. Chairman Yoder read the letter. Tim Fogerty responded by saying that the entrance to the lumber yard will be via the back of the Ace Hardware building.

Mary Ann Kaczmarek, 1782 Vine Street who is a neighboring resident asked how the re-zoning would effect the neighborhood and taxes. Mr. Rose responded to her questions and spoke on the difference between re-zoning the property Commercial or adding Lumber Yards as a special use to the R-5 Residential Zoning District. Mrs. Kaczmarek also asked about the hours of operation. Tim Fogerty responded by saying the hours the lumber yard would be open would be from 7:00 a.m. till 8:00 p.m. Mr. Fogerty also spoke of an additional six jobs to their business with the lumber yard.

There being no further comments from people in attendance the public hearing closed at 7:30 p.m.

#### Laura Horvat - Special Use Permit

Public hearing opened at 7:31 p.m.

Laura Horvat of Super 8 Motel, 220 Arthur Street has requested a Special Use Permit to allow a billboard sign consisting of two 10' x 20' panels that will be located on the hill behind the motel. Ms. Horvat intends to rent this sign. Notification has been mailed to the adjoining property owners that are within 300 feet of this property.

Ms. Horvat spoke of the interest from people who would like to lease the sign. Mary Jane Merritt, 179 Quincy Street owns property near the Super 8 Motel and expressed their concern if the sign would effect the sale of their property. Mr. Rose said the sign would have no impact on their property unless a request for a height variance for a new building were made. Questions were asked about the sign and the proposed sign ordinance. Mr. Rose said that billboards are addressed in the proposed sign ordinance and that they would be permitted in C-1 & C-3. Questions were asked about lighting and the proposed sign would be lighted from the top with lights facing down on the sign.

There being no further discussion the public hearing closed at 7:37 p.m.

#### SITE PLAN REVIEWS:

##### Oak Grove International, Inc.

Oak Grove International located at 290 Washington Street has requested a Site Plan Review. Plans are to construct a 10,000 sq. ft. addition to their building. A site plan review has been done on the proposed project and it meets the set-back requirements. Kendra Thompson, architect for the project presented the plan for expansion to the Planning Commission.

MOTION by Harless, seconded by Lakos that the site plan for Oak Grove International be approved. Motion passed unanimously.

##### Gary Schrader - Lot Split

A request has been received for a lot split for Gary Schrader, 329 Second Avenue parcel, #51-51-202-450-01. Mr. Schrader would like to split the existing parcel into two parcels. Mr. Schrader's residence is located on Second Avenue and he would like to split off the south portion of the parcel that faces Third Avenue to sell. Attached is a survey that reflects the requested lot split. The lot split meets the required set-backs.

MOTION by Franckowiak, seconded by Lakos that the Planning Commission approve the lot split as presented in the attached survey. Motion passed unanimously.

##### Russell & Ruth Claggett/ Michael & Deborah Majchrzak - Lot Split

Dave Carlson from Lyman Real Estate is requesting a lot split on behalf of Russell & Ruth Claggett/ Michael & Deborah Majchrzak. Claggett's are in the process of selling the property located across from

the Golf Course on Twelfth Street to Majchrzak. Lots 5 & 6 of Lakeview Subdivision currently are one parcel. The request is to split Lot 5 Lakeview Subdivision into one parcel and Lot 6 Lakeview Subdivision into another parcel. The current parcel code number for the property is #51-51-363-701-11. This request meets the requirements of the Zoning Ordinance.

MOTION by Serocki, seconded by Lakos that the request for a lot split for Claggett/Majchrzak be approved. Motion passed unanimously.

MOTION by Harless, supported by Lakos that the Agenda be modified to open the Business Session so that decisions can be made on the Public Hearings that were held. Motion passed unanimously.

### BUSINESS SESSION:

#### Fred MacDonald - Zoning Amendment

A public hearing was held earlier regarding a request from Fred MacDonald for a Zoning Amendment to adding Residential as a Special Use to the existing Special Uses listed under C-3 Zoning. Discussion addressed out side storage and densities allowed for apartments throughout the City.

MOTION was made by Lakos, supported by Franckowiak that the request for a Zoning Amendment to add Residential as a Special Use to the existing Special Uses listed under C-3 Zoning be approved with the following conditions:

There will be no outside storage.

Parcel area will be a minimum of 2,500 sq. ft. per dwelling unit.

Motion passed with voting:

In favor	-	Franckowiak, Harless, Lakos, Slawinski, Yoder
Abstaining	-	Serocki

#### Fred MacDonald - Special Use Permit

Mr. MacDonald had also requested that a Special Use Permit be granted to allow the construction of a 22 unit condominium project at 45 Arthur Street. Mr. MacDonald had also requested that a 10 foot waterfront set-back be allowed for the project.

MOTION by Serocki, supported by Harless that a Special Use Permit be approved contingent on variances from the Zoning Board of Appeals and staff approval of utilities and curb cuts.

The motion included recommendation to the Zoning Board of Appeals that the waterfront set-back be a minimum of 15 feet and that the height be approved. Motion passed unanimously.

Ace Hardware - Zoning Amendment

A public hearing was held in response to a request from Ace Hardware for a Zoning Amendment for Lots 52 - 65 of Reitz Addition. This request is to re-zone from R-5 Residential to C-1 Commercial for a retail lumber business.

The Planning Commission discussed the difference between re-zoning the property to C-1 Commercial and allowing Lumber Yards as a Special Use in R-5 Residential.

MOTION by Franckowiak, supported by Serocki that Lumber Yards be allowed as a Special Use in the R-5 Zoning District with the following standards:

Parcel size be a minimum of 100,000 sq. ft.

All outside storage will be under roof.

Six foot fence be allowed.

Lights be on the buildings only.

Hours of operation would be limited to 7:00 a.m. to 8:00 p.m.

Access only from primary streets.

Motion passed unanimously.

Ace Hardware - Special Use Permit

MOTION by Serocki, supported by Slawinski that a Special Use Permit be granted to Ace Hardware for a Lumber Yard located on Lots 52 - 65 of Reitz Addition. Motion passed unanimously.

Ace Hardware - Street Vacation

Ace Hardware is also requested the vacating of Maywood between Park and Forest and the vacating of Forest from Maywood to Vine. These are platted but undeveloped street. It was suggested that Ace Hardware be given the opportunity to obtain an easement from the City instead of vacating the streets.

MOTION by Slawinski, supported by <sup>Serocki</sup> ~~Slawinski~~ not to recommend the vacating of these streets. Motion passed unanimously. Request denied.

Laura Horvat - Special Use Permit

A public hearing has been held for Laura Horvat who is requesting a Special Use Permit to allow construction of a 20' x 22' billboard sign located on the hill behind the Super 8 Motel, 220 Arthur Street.

MOTION by Harless, supported by Lakos that a Special Use Permit be granted. Motion passed unanimously.

**CITIZEN QUESTIONS AND CONCERNS:**

No questions or concerns were expressed by the citizens in attendance.

**MINUTES:**

MOTION by Lakos, supported by Slawinski, that minutes of the July 9, 1997 meeting be approved. Motion passed unanimously.

Discussion was held on holding work sessions and it was decided that we would begin holding work sessions in October.

**UNFINISHED BUSINESS:**

**Solberg Marina Inc. - Special Use Permit**

Dave Solberg of Solberg Marina Inc. requested a Special Use Permit to allow a campground at Fisherman's Center, 263 Arthur Street to provide on site parking for four (4) self-contained camper trailers. This item was tabled until the August meeting for more information.

Mr. Solberg stated that he met with Jon Rose on August 6, 1997 and they discussed the option of granting an easement for a sewer line or installing a Fish Cleaning Station on the property that would be hooked up to the City Sewer.

MOTION by Slawinski, supported by Lakos to grant a Special Use Permit for four self-contained camper trailers with the condition that the permit would not be in effect until an easement from Solberg's Marina to Fisherman's Center for a sewer line is recorded at the Register of Deeds Office and a copy provided to the city for their records. Motion passed unanimously.

**OTHER COMMUNICATIONS:**

**City Update**

Mr. Bifoss reported on Tenth Street project and on the State Street Community Development Block Grant for Pandrol Jackson. The Riverwalk is nearing completion. Fire hall has new doors with a new entrance to the station. The new truck is already in the building. Renaissance Park is progressing. There is a possibility of a grant to help with infrastructure costs. Marina is having an excellent year. City has purchased the Axce property and it will be on the November Ballot for voter approval of charter protection. Duffy park was also discussed.

C-1 Commercial, Access Roads

The Planning Commission Members received a memo from City Manager, R. Ben Bifoss regarding Section 5004 of the Zoning Ordinance that deals with regulations and standards in the C-1 Commercial District. Mr. Bifoss has requested that the Planning Commission consider whether or not the service drive concept continues to make sense in developed C-1 Commercial Districts in Manistee.

This item was tabled until the September Meeting due to time.

**REPORTS:**

D.D.A.:

Mr. Bifoss reported on the August 6, 1997 D.D.A. meeting. He said that the Planning Commission and City Council will be getting an invitation to attend a Planning Priority Meeting in September.

Zoning Board of Appeals

No report given.

Historic Overlay Review Committee

No meeting.

Joint City Review/Ordinance Committee

No Meeting.

**NEW BUSINESS:**

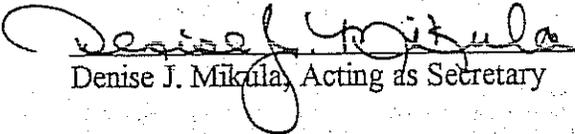
No new business reported.

**ADJOURNMENT:**

There being no further business, MOTION by Serocki, supported by Slawinski that the meeting be adjourned. Motion passed unanimously.

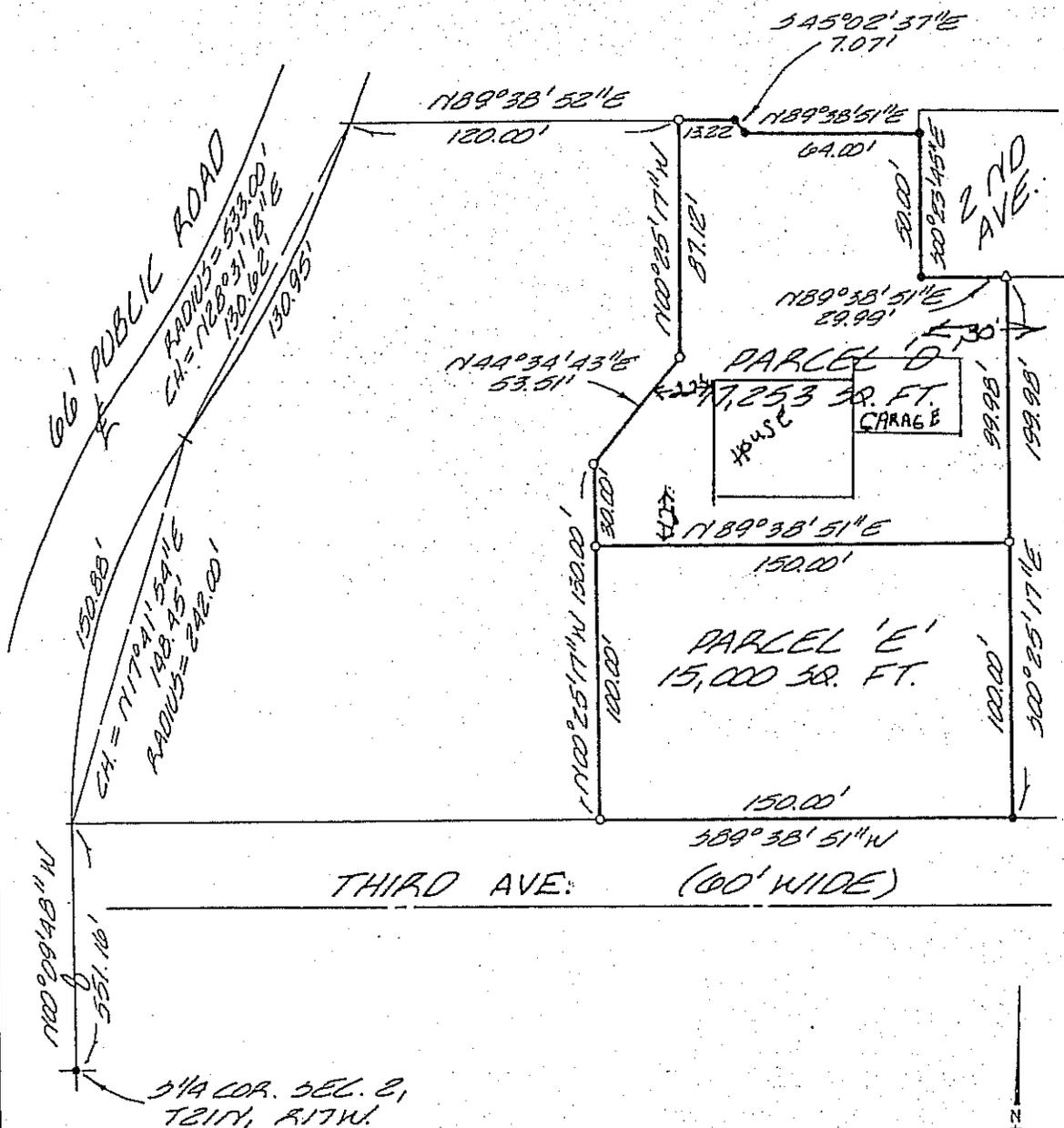
The meeting adjourned at 8:53 p.m.

MANISTEE PLANNING COMMISSION

  
Denise J. Mikula, Acting as Secretary

# CERTIFICATE OF SURVEY

PART OF THE SE 1/4 SEC. 2, T21N, R17W,  
UNPLATTED CITY OF MANISTEE,  
MANISTEE CO., MICHIGAN.



I, the undersigned, being a Registered Land Surveyor, hereby certify that I have surveyed and mapped the above parcel of land, that the ratio of closure of the unadjusted field observations is noted, and within limits and that I have fully complied with the regulations of Act 132, P.A. 1970 as amended. The basis for bearings is:

Error of Closure is 1' / \_\_\_\_\_ R.L.S. No. 25850

**Jenema Land Surveys**  
82 Division Street  
Manistee, MI 49660  
616-723-7930  
FAX 616-723-5761

FOR: <b>GARY SCHRADER</b>	
DATE: <b>6-22-1994</b>	SHEET <b>1 OF 2</b>
DWN. <b>LKM</b>	CHK. <b>BLU</b>
FILE NO. <b>94365</b>	

CITY OF MANISTEE  
70 Maple Street  
P.O. Box 358  
Manistee, Michigan 49660

**SPECIAL USE PERMIT**

This SPECIAL USE PERMIT, herein after referred to as the permit, is granted pursuant to the authority granted in Article 86: Special uses, of the Manistee City Zoning Ordinance, effective May 1, 1990.

\*\*\*\*\*

Name of Permit Holder: **Fred & Carol MacDonald  
Linda Boss  
Dennis & Linda Dunlap**

Mailing Address: **180 Harrison Street  
Manistee, MI 49660**

Telephone Number: **(616) 723-7975**

\*\*\*\*\*

Name of Property Owner: **Fred & Carol MacDonald  
Linda Boss**

Mailing Address: **180 Harrison Street  
Manistee, MI 49660**

Telephone Number: **(616) 723-7975**

\*\*\*\*\*

Description of Property affected by Special Use Permit:  
Tax Parcel Number: **51-51-101-275-10**  
Address of Property: **45 Arthur Street**

\*\*\*\*\*

Description of Special Use Granted, as Permitted in Article#55, Section #5503.O. **Apartment Building**  
SIC Code Number n/a

\*\*\*\*\*

**PERMIT CONDITIONS AND REQUIREMENTS:**

This permit is issued, subject to the following conditions and/or requirements as contained in Article 86, Section 8610:

**CONDITIONS**

**TRANSFER OF PERMIT**

This permit is transferable only in accordance with Article 86, Section 8614 of the ordinance.

**EXPIRATION OF PERMIT (as per Article 86 Section 8616):**

This permit shall be valid for as long as the approved cause continues in accordance with the terms and conditions of the approved permit. This permit will expire on the occurrence of one or more of the following conditions:

- A. If replaced or superseded by a subsequent Special Use Permit.
- B. If the applicant request the rescinding of the permit.
- C. If the use is abandon, moved or vacated for a period of one (1) year. Notice of the expiration shall be given to the property owner in writing.

**VIOLATIONS OF PERMIT (see Article 86 Section 8617):**

Any violation of the terms, conditions or limitations of this permit shall be cause for revocation or suspension of the permit by City Council.

**CERTIFICATION OF PERMIT**

The above SPECIAL USE PERMIT was granted by the Manistee City Planning Commission on September 1, 1994, pursuant to the requirements of the Manistee City Zoning Ordinance. This permit shall become effective upon issuance of this permit AND the signed acknowledgment and receipt from the permit holder.

DATE OF ISSUANCE: \_\_\_\_\_

WITNESS:

\_\_\_\_\_  
*Jan R. [unclear]*

\_\_\_\_\_  
*Kristie Harless*  
Kristie Harless, Vice-Chair

\_\_\_\_\_  
*Dennis J. [unclear]*

\_\_\_\_\_  
*Mike Fatke*  
Mike Fatke, Secretary

\*\*\*\*\*

**ACKNOWLEDGMENT & RECEIPT OF PERMIT**

I (we) the undersign do hereby certify that I am (we are) the person(s) listed above as the special use permit holders of their authorized legal representative.

I (we) do further certify that I (we) have read, understand and agree to comply with all of the requirements and conditions of this permit, as listed above and in the Manistee City Zoning Ordinance.

DATE SIGNED: 10/22/97

WITNESS:

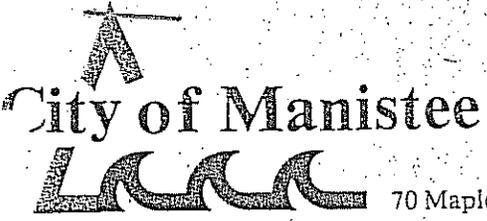
\_\_\_\_\_  
*Linda J. Boss*  
Linda J. Boss

\_\_\_\_\_  
*Carol A. MacDonald*  
Carol A. MacDonald

\_\_\_\_\_  
*Alfred J. MacDonald*  
Alfred J. MacDonald

(Please print or type name below each signature and list title if signing as legal representative.)

101-275-10



616-723-2558  
FAX 616-723-1546

70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

September 4, 1998

Dennis W. Dunlap  
406 N. Lavinia  
Ludington, MI 49431

RE: Zoning Board of Appeals

Dear Mr. Dunlap:

Your request for a variance to the waterfront set-back requirements regarding a wall/fence along the south property line was approved at the September 3, 1998 Zoning Board of Appeals Meeting. Enclosed is a copy of the minutes from the meeting for your files.

I have also enclosed a Land Use Permit that will be needed in order to obtain a building permit. John Kiefer of Nordlund and Associates is the Building Inspector for the City of Manistee and can be reached at 723-6460.

If you have any questions, please call me at 723-2558.

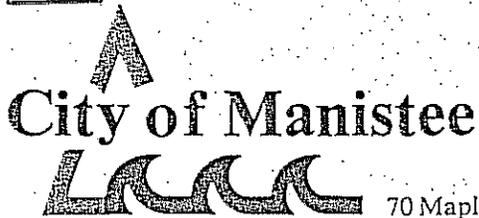
Sincerely,

CITY OF MANISTEE

Jon R. Rose  
Community Development Officer

JRR:djm

Enclosures



616-723-2558  
FAX 616-723-1546

70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

September 29, 1997

Dennis & Linda Dunlap  
406 N. Lavinia  
Ludington, MI 49431

RE: Zoning Board of Appeals

Dear Mr. & Mrs. Dunlap:

Enclosed is a copy of the Minutes from the September 22, 1997 Zoning Board of Appeals Meeting. Your request for a variance to the 30 foot height limitation to allow a height of 35 feet six inches and a variance from the 50 foot waterfront set-back to 15 feet were approved. You will also find your Land Use Permit that you will need for your building permit.

If you have any questions, please feel free to call me at (616) 723-2558.

Sincerely,

CITY OF MANISTEE

Jon R. Rose  
Community Development Officer

JRR:djm

Enclosures

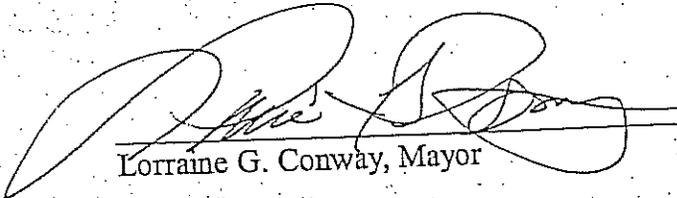
ORDINANCE 97- 9

AN ORDINANCE TO AMEND IN PART AN  
ORDINANCE ENTITLED "MANISTEE CITY ZONING  
ORDINANCE" WHICH WAS ADOPTED MAY 1, 1990, AS AMENDED,  
TO ADD RESIDENTIAL AS A SPECIAL USE IN THE C-3 COMMERCIAL ZONING  
DISTRICT

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

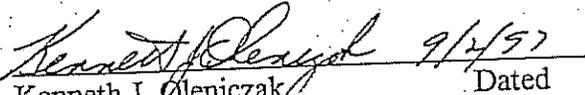
That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, Chapter 150 of the Manistee Code of Ordinance) is hereby amended to add a use to section 5503 (Special Uses) as follows, to wit:

- O. ~~Apartment Building with no more than one living unit for each two thousand five hundred (2,500) square feet of parcel area and with no outside storage.~~
- P. *Accessory buildings and uses to the above*

  
Lorraine G. Conway, Mayor

9/2/97  
Dated

ATTEST:

  
Kenneth J. Oleniczak  
City Clerk/Treasurer

9/2/97  
Dated

City of Manistee  
Planning Commission Resolution to Approve Amending a  
Special Use Permit, Case Number PC-2010-07  
Linden Court Development, Inc.  
(Bayview Condominiums)

At a regularly scheduled meeting of the City of Manistee Planning Commission held on August 5, 2010, the following resolution was adopted to approve amending a Special Use Permit for Linden Court Development, Inc. (Bayview Condominiums) as shown on site plan prepared by West Shore Consulting, Job #627-3A, Replat No. 2 Dated 1/19/09.

Planning Commissioner \_\_\_\_\_ moved, supported by Planning Commissioner \_\_\_\_\_, the adoption of the following resolution.

WHEREAS, in 1997 a Special Use Permit for an Apartment Building was issued to Fred MacDonald, Carol MacDonald, Linda Boss, Dennis Dunlap and Linda Dunlap, and

WHEREAS, 1997 there was an existing Marina on site that did not require a Special Use Permit, and

WHEREAS, that the Special Use Permit for an Apartment Building was issued under the previous Zoning Ordinance and that variances were received from the Zoning Board of Appeals, and

WHEREAS, that the Planning Commission and City Council approved the request for a Special Use Permit for an Apartment Building in 1997, and

WHEREAS, the property where the Special Use Permit for an Apartment Building and the existing Marina is commonly known as Bayview Condominiums and the current developer is Linden Court Development, Inc., and

WHEREAS, on June 23, 2010 a request was received from Linden Court Development, Inc. to Amend a Special Use Permit issued in 1997 for an Apartment Building by removing a portion of property referred to in the application as the "Sliver" part of the parcel which is located between parcel 51-101-275-07 (91 Arthur Street) and Manistee Lake, and

WHEREAS, under Section 1801.G, Special Use Procedures, Amendments requires that Amendments to shall be handled in the same manner as an initial Special Use Permit Application, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed development on August 5, 2010, and

WHEREAS, the Planning Commission has received written comment, reviewed the Site, and has completed review of the application, Site input of the Applicant and the input received at said public hearing.

NOW, THEREFORE, BE IT RESOLVED, the City of Manistee Planning Commission has reviewed the request and determined that the removal of the "Sliver" part of the parcel will not negatively impact the Development.

BE IT FURTHER RESOLVED, to be consistent with the current Zoning Ordinance the Amended Special Use Permit will list the development as a Mixed Use Development consisting of a Marina and Dwelling -Multiple Unit which is a Special Use in the Waterfront District. Any future changes or amendments need to be in compliance with the Zoning Ordinance in effect at that time.

BE IT FURTHER RESOLVED, that the Amendment for a Special Use Permit for Linden Court Development, Inc will require that the conditions which were placed on the Zoning Amendment that allowed the development of the parcel be listed on the Amended Special Use Permit. Those conditions are as follows:

There will be no outside storage

Parcel area will be a minimum of 2,500 sq. ft. per dwelling unit.

In addition the Planning Commission places the condition on the Amended Special Use Permit that the "Sliver" part of the parcel must be combined with parcel 51-101-275-07 (91 Arthur Street).

CITY OF MANISTEE PLANNING COMMISSION

AYES:

ABSTAINING:

NAYS:

ABSENT:

MOTION: CARRIED NOT CARRIED

CERTIFICATION:

I, Maureen Barry, Secretary of the City of Manistee Planning Commission certify that the foregoing is a true and complete record of action taken by the Planning Commission at their regular meeting of August 5, 2010.

\_\_\_\_\_  
Maureen Barry, Secretary

City of Manistee  
Planning Commission Resolution to Deny Amending a  
Special Use Permit, Case Number PC-2010-07  
Linden Court Development, Inc.  
(Bayview Condominiums)

At a regularly scheduled meeting of the City of Manistee Planning Commission held on August 5, 2010, the following resolution was adopted to approve amending a Special Use Permit for Linden Court Development, Inc. (Bayview Condominiums) as shown on site plan prepared by West Shore Consulting, Job #627-3A, Replat No. 2 Dated 1/19/09.

Planning Commissioner \_\_\_\_\_ moved, supported by Planning Commissioner \_\_\_\_\_, the adoption of the following resolution.

WHEREAS, in 1997 a Special Use Permit for an Apartment Building was issued to Fred MacDonald, Carol MacDonald, Linda Boss, Dennis Dunlap and Linda Dunlap, and

WHEREAS, 1997 there was an existing Marina on site that did not require a Special Use Permit, and

WHEREAS, that the Special Use Permit for an Apartment Building was issued under the previous Zoning Ordinance and that variances were received from the Zoning Board of Appeals, and

WHEREAS, that the Planning Commission and City Council approved the request for a Special Use Permit for an Apartment Building in 1997, and

WHEREAS, the property where the Special Use Permit for an Apartment Building and the existing Marina is commonly known as Bayview Condominiums and the current developer is Linden Court Development, Inc., and

WHEREAS, on June 23, 2010 a request was received from Linden Court Development, Inc. to Amend a Special Use Permit issued in 1997 for an Apartment Building by removing a portion of property referred to in the application as the "Sliver" part of the parcel which is located between parcel 51-101-275-07 (91 Arthur Street) and Manistee Lake, and

WHEREAS, under Section 1801.G, Special Use Procedures, Amendments requires that Amendments to shall be handled in the same manner as an initial Special Use Permit Application, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed development on August 5, 2010, and

WHEREAS, the Planning Commission has received written comment, reviewed the Site, and has completed review of the application, Site input of the Applicant and the input received at said public hearing.

NOW, THEREFORE, BE IT RESOLVED, the City of Manistee Planning Commission has reviewed the request and determined that the removal of the "Sliver" part of the parcel would negatively impact the Development by

List of Reasons: .

IT IS THEREFORE FURTHER RESOLVED, that the request to Amend Special Use Permit for Linden Court Development, Inc. (Bayview Condominiums) as shown on site plan prepared by West Shore Consulting, Job #627-3A, Replat No. 2 Dated 1/19/09 is hereby denied for the reasons set forth in this resolution.

AYES:

ABSTAINING:

NAYS:

ABSENT:

MOTION:

CARRIED

NOT CARRIED

CERTIFICATION:

I, Maureen Barry, Secretary of the City of Manistee Planning Commission certify that the foregoing is a true and complete record of action taken by the Planning Commission at their regular meeting of (meeting date)

---

Maureen Barry, Secretary



# SPECIAL USE PERMIT APPLICATION

LINDEN COURT DEVELOPMENT INC.

FOR OFFICE USE ONLY:

Applicant  
406 N. LAVINIA  
 Address  
LEEDINGTON, MI, 49431  
 City, State, Zip Code

Phone Numbers (Work) 231-777-3447-26  
 (Home) 231-638-0052

Case number \_\_\_\_\_  
 Date Received 6-23-10  
 Fee Received \$ 750.00  
 Receipt Number 21508  
 Hearing Date \_\_\_\_\_  
 Action Taken \_\_\_\_\_  
 Expiration Date of Permit \_\_\_\_\_

BASE FEE FOR SPECIAL USE PERMIT  
~~\$250.00~~  
750.00

A Special Use application shall be submitted and processed according to the following procedures:

A. Submission of Application. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee and any applicant escrow payments as required by Section 2701 and in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the application. An application shall be submitted to the Zoning Administrator on a Special Use application form. A Special Use application shall be placed on the agenda of the Planning Commission by the Zoning Administrator within thirty (30) days of the submission of a complete application prepared in accordance with this Zoning Ordinance. An application, which is incomplete or otherwise not in compliance with this Ordinance, shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees and escrow payments paid in full.

B. Data Required. Twelve (12) copies of an application for a Special Use permit shall be presented to the Zoning Administrator and accompanied by the following documents and information.

1. A complete Special Use permit application including the following information:
  - a. Name and address of applicant and owner(s): LINDEN COURT DEVELOPMENT INC.;  
406 N. LAVINIA, LEEDINGTON, MI 49431
  - b. Legal description, property parcel number, and street address of the subject parcel of land: \_\_\_\_\_  
"LITTLE CENSURS HIDE" - 51-101-275-07 - LEGALS ATTACHED  
"COMMON PARKVIEW" 51-142-000-00
  - c. Area of the subject parcel of land stated in acres, or if less than one (1) acre, in square feet \_\_\_\_\_  
SILVER  
LITTLE CENSURS - COMMERCIAL
  - d. Present zoning classification of the parcel: SILVER - SPECIAL USE  
LITTLE CENSURS - COMMERCIAL
  - e. Present and proposed land use: SILVER - LAKEFRONT - SEAWALL  
PARKVIEW - RESIDENTIAL CONDOS.

- f. A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.  
 Attached
  - g. Applicant's statement of the expected effect of the special use on emergency service requirements, schools, storm water systems, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes.  
 Attached
  - h. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this ordinance, by the City Zoning Administrator or the Planning Commission; including, but not limited to, measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment.  
 Attached
  - i. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in this Article and other standards imposed by this Ordinance affecting the special use under consideration.  
 Attached
2. A complete Site Plan containing all the applicable data required by Article 22, Site Plans.
  3. Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing Special Use permit applications as provided in Section 1802.
  4. Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Special Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, a traffic impact analysis as required by Section 2203, E, 2, an environmental assessment as required by Section 2203, E, 1, a market study as required by Section 2203, E, 3, or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.
  5. The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the proposed Special Use or relevant to the consideration of the Planning Commission.
- C. Special Use review procedures. An application for Special Use Approval shall be processed in accordance with Section 1801.C.
- D. Issuance of a Special Use permit. Special Use Permits shall be issued in accordance with Section 1801.D.
- E. Appeals. No decision or condition related to a Special Use application shall be appealed to the Zoning Board of Appeals. An appeal of a Special Use decision or condition may be taken to Circuit Court.
- F. Duration of Approval. The Special Use permit shall become effective upon Planning Commission approval and in accordance with Section 1801.F.

G. Amendments. Amendments to Special Use permits shall be handled in the same manner as the initial Special Use permit application. Minor non-substantive changes to a site plan in accordance with Section 2208 may be made to an existing Special Use permit with the approval of the Zoning Administrator.

H. Transfers. Transfers shall be handled in accordance with Section 1801.H.

I. Expiration. A Special Use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The Special Use permit will expire on the occurrence of one or more of the following conditions:

1. If replaced or superseded by a subsequent permitted use or Special Use permit.
2. If the applicant requests the rescinding of the Special Use permit.
3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.
4. If the use is abandoned, moved or vacated for a period of one year.

J. Violations. Violations shall be handled in accordance with Section 1801.J.

CERTIFICATION AND AFFIDAVIT:

The undersigned affirm(s) that he/she/they is/are the  owner,  leasee,  owner's representative,  contractor involved in the application; and that the information included in this application is correct. Further, if the request is approved, the applicant will comply with all of the requirements of the City of Manistee Zoning Ordinance and certifies that measures proposed to mitigate adverse impacts will be completed in a timely fashion.

The undersigned, by signing the Application, agrees to pay any and all fees and escrow payments in full as provided in Article 27.

Signature (s) of Applicant (s):

*Dennis W. Donaldson*

---

DENNIS W. DONALDSON  
VICE PRES - LINDEN COLONY. TRD. INC.

---

Dated 10 APRIL 2010

By checking this box permission is given for Planning Commission Members to make a site inspection if desired.

yes  no Please indicate if the applicant will be tax exempt, applying and/or eligible for tax abatements, credits, or deferments for this proposed project.

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Site Plan Information required in Application:

Project Name: Linden Court Development, Inc

A Detailed Site Plan. A detailed site plan shall be required for all uses other than those that may submit a basic site plan. Detailed site plan shall include twelve (12) copies of all required information, one 11x 17 size copy of request, and and twenty-five (25) copies of any documents rendered in color. It shall be prepared by an Engineer, Architect, Landscape Architect or Planner licensed to work in Michigan and shall include and illustrate at a minimum the following information

1. A scale drawing of the site and proposed development thereon, including the date, name, address and professional seal of the preparer. In no instance shall the scale of the drawing be greater than one inch equals 20 feet nor less than one inch equals 200 feet. One copy shall be submitted in a photo-reduced form on 17" x 11" paper. *(1"=60' (REduced FROM 1"=30'))*  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
2. The scale of the drawing and north arrow.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
3. A vicinity map illustrating the property in relation to the surrounding street system.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
4. Topography of the site and its relationship to adjoining land illustrated at 2-foot contours and including an area extending 100 feet from the parcel boundary.  
 Included  
 Waived by R [Planning Commission reserves the right to require the information at a later date]
5. Existing man-made features, including buildings, fences, landscaping, parking, screening and the locations, heights and footprint of each.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
6. Illustration of all proposed improvements and buildings, fences, landscaping, parking and screening, including location, height, footprint of each.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
7. Setback lines and their dimensions.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
8. Percentage of land covered by buildings and impervious surfaces and that reserved for open space.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]

*% COVERED BY BUILDINGS/IMPERVIOUS = 80%* Page 4 of 6 *COMMENTS PAGES - 270*

Project Name: Linden Court Development, Inc

9. Dwelling unit density where pertinent; including a density schedule demonstrating number of each dwelling type, if applicable. TOTAL UNITS = 22 ON 1 ACRE
- Included
- Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
10. Project phasing, if applicable.
- Included
- Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
11. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
- Included
- Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
12. Curb-cuts, driving lanes, parking and loading areas, including the number of parking spaces and parking calculations; vehicular circulation patterns and features, location and size of all parking spaces and the identification of service lanes and parking.
- Included PARKING SPACES: 2 PER UNIT; 96 BEST PARKING SIZES - 9x18'
- Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
13. Curb-cuts and driveways on adjacent properties.
- Included
- Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
14. Location and type of drainage, sanitary sewers, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.
- Included
- Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
15. Existing and proposed water main, sanitary and storm sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
- Included
- Waived by R [Planning Commission reserves the right to require the information at a later date]
16. Proposed changes to the topography of the site illustrated at no greater than two (2) foot contours.
- Included
- Waived by R [Planning Commission reserves the right to require the information at a later date]
17. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development.
- Included
- Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]

Project Name: Linden Court Development, Inc.

18. Detail on proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination, in accordance with Article 21.  
 Included NO ILLUMINATED SIGNS - SMALL SIGN - 30" x 36" @ GARAGES  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
19. A lighting plan in conformance with Section 525.  
 Included - DUSK TO DAWN LIGHTS ON GARAGES, OVER STAIRWELLS & AT DOME POWER.  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
20. A written and illustrated landscape plan prepared in accord with Section 531 of this Zoning Ordinance.  
 Included NONE AVAILABLE  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
21. If the parcel is a result of a parcel division undertaken after the adoption of this Ordinance, the site plan shall illustrate all structures and buildings, drawn to scale located on the previously undivided property.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
22. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.  
 Included OK  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
23. Any required approvals, permits, changes or modifications required by any applicable regulatory agency.  
 Included OK  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
24. Special Groundwater Protection shall be subject to Section 2203.D.24  
 Included  
 Waived by R [Planning Commission reserves the right to require the information at a later date]

The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the proposed Special Use or relevant to the consideration of the Planning Commission.

(Printed August 2006)

f. Narrative to explain "Special Land Use Request"

Linden Court Development purchased land between the Arthur Street boat launch and what was then The Little Caesars Pizza in 1997. Included in the purchase was a strip of land that contained the lake frontage adjacent to the Little Caesars building. The strip of land was about 15 feet wide. Linden Court prepared a site plan and requested the City of Manistee's approval for the development of 22 condominium units and the City approved that use.

Linden Court then proceeded to construct sea wall and utility improvements with the goal of developing the entire lake front.

At a point in time, the owners of the land upon which the Little Caesars building was located became interested in obtaining one of the condominium units that were under construction and a trade was made with Linden Court to exchange Unit 2 for the land of the Little Caesars building.

Linden Court discussed the opportunity to reunite the lake front with the street front at the Little Caesars building with their attorney and it was indicated that the Condominium Document could be contracted by the developer and Linden Court proceeded to do that.

The Bayview Condominium Association filed a lispendance on the contraction, claiming an interest. Their building issues were settled along with the Association interest in a remediation settlement between the parties. As a part of the agreement the Association agreed to support Linden Court rejoining of the two parcels, which is where we are currently. In that the narrow strip in front of the Little Caesars was originally in the Special Land Use application approved by the City for the Bayview Condominium project, we are requesting that the original plan be modified, removing the lake front from the Little Caesars and adding it back to the street front parcel.

g. It is not anticipated that this will be any impact on emergency service requirements, schools, storm water volume, sanitary sewers, auto or truck circulation patterns and/or local traffic volumes. There exists the possibility of developing ten (10) additional condominiums on this property, but they would use existing access easements and it is judged that 10 units would have little or no impact on the above services.

h. The reattaching of the water front to the back portion of this parcel reunites these two attributes and will allow the highest and best use of this property to occur at some point in the future.

i. Applicant will comply with the standards required for approval by the City of Manistee

Little Caesars Parcel rejoined with the lakefront (Sliver)

DESCRIPTION:

Revised Legal Description  
(After Retraction)

Part of Government Lot 3, Section 1, Town 21, North, Range 17 West  
Unplatted City of Manistee, Manistee County, Michigan,  
Described as follows:

Commencing at the Intersection of the South Line of the North 2/3  
Of Said government Lot 3, And the East Right-Of-Way Of Arthur Street;

Thence North 11 Degrees, 08 Minutes, 14 Seconds East, A Distance of  
249.00 Feet (Also Recorded as 250.13 Feet and the Point Of Beginning:

- A. Thence North-11 Degree-08 Minutes-14 Seconds-East, 88.71 Feet Along  
The East Line of Arthur Street;

Thence North-15 Degrees-07 Minutes-08 Seconds-East, 61.32 Feet Along  
The East Line of Arthur Street;

Thence South-78 Degrees-50 Minutes-34 Seconds-East, 158.07 Feet to an  
Intermediate Traverse Line Adjacent to Manistee Lake;

Thence North-78 Degrees-51 Minutes-46 Seconds-West, 130.00 Feet more  
Or Less To The Point Of Beginning. Together And Including the Riparian  
Rights And The Land Between The Intermediate Traverse Line And The  
Shore Of Manistee Lake.

Including:

Shared Access Easement

An Easement For Shared Access In Part Of Government Lot 3, Section 1, T  
Town 21 North 21 North, Range 17 West, Unplatted City of Manistee,  
Manistee, Manistee County, Michigan, Described As Follows:

Commence At The Intersection Of The South Line Of The North 2/3 Of Said  
Government Lot 3 And The East Right-Of-Way Of Arthur Street;

Thence North 11 Degrees 08 Minutes 14 Seconds East, A Distance Of  
249.99 Feet to the Point Of Beginning;

Thence Continue North 11 Degrees 08 Minutes 14 Seconds East Along Said Line, A Distance of 16.32 Feet;

Thence South 78 Degrees 51 Minutes 46 Seconds East, A Distance Of 61.32 Feet;

Thence South 11 Degrees 08 Minutes 14 Seconds West, A Distance Of 32.64 Feet;

Thence North 78 Degrees 51 Minutes 46 Seconds West, A Distance Of 61.32 Feet;

Thence North 11 Degrees 08 Minutes 19 Seconds East, A Distance Of 16.32 Feet To The Point Of Beginning

Retraction Parcel (Sliver)

Part Of Government Lot 3, Section 1, Town 21, North, Range 17 West,  
Unplatted City Of Manistee, Manistee County, Michigan, Described As Follows:

Commencing At The Intersection Of The South Line Of The North 2/3 Of  
Said Government Lot 3 And The East Right-Of-Way Of Arthur Street;

Thence North-11 Degrees-08 Minutes-14 Seconds-East, 249.99 Feet  
(Also Recorded As 250.13 Feet);

Thence South-78 Degrees-51 Minutes-46 Seconds-East, 118.00 Feet  
To The Point Of Beginning;

Thence North-23 Degrees-38 Minutes-14 Seconds-East, 153.45 Feet;

Thence South-78 Degrees-50 Minutes-39 Seconds-East, 12.00 Feet to  
An Intermediate Traverse Line;

Thence South-23 Degrees-32 Minutes-48 Seconds-West To An  
Intermediate Traverse Line That Is Adjacent to Manistee Lake, A Distance  
Of 153.45 Feet;

Thence North-78 Degrees-51 Minutes-46 Seconds-West, 12.00 Feet to  
The Point Of Beginning.

Together And Including The Riparian Rights And The Land Between The  
Intermediate Traverse Line And The Shore of Manistee Lake.

MANISTEE COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 2 39  
 EXHIBIT "B" TO THE MASTER DEED OF:

# BAYVIEW CONDOMINIUMS

BEING PART OF GOVERNMENT LOT 3, SECTION 1,  
 TOWN 21 NORTH, RANGE 17 WEST, CITY OF  
 MANISTEE, MANISTEE COUNTY, STATE OF MICHIGAN

DEVELOPER:  
 LINDEN COURT DEVELOPMENT, INC.  
 17512 RIDGEMOOR CT., BOX 64  
 GRAND HAVEN, MI 49417

ENGINEER:  
 WESTSHORE CONSULTING  
 2534 BLACK CREEK ROAD  
 MUSKEGON, MI. 49444-2674

CONDOMINIUM SUBDIVISION PLANS SHALL BE  
 NUMBERED CONSECUTIVELY WHEN RECORDED BY  
 THE REGISTER OF DEEDS AND SHALL BE  
 DESIGNATED MANISTEE COUNTY SUBDIVISION  
 PLAN NUMBER 21-99.

**DESCRIPTION:**

**REVISED LEGAL DESCRIPTION  
 (AFTER RETRACTION)**

PART OF GOVERNMENT LOT 3, SECTION 1, TOWN 21 NORTH, RANGE  
 17 WEST, UNPLATTED CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN,  
 DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE  
 NORTH 2/3 OF SAID GOVERNMENT LOT 3 AND THE EAST  
 RIGHT-OF-WAY OF ARTHUR STREET;

THENCE NORTH 11 DEGREES, 08 MINUTES, 14 SECONDS EAST, A  
 DISTANCE OF 249.99 FEET (ALSO RECORDED AS 250.13 FEET);

THENCE SOUTH 78 DEGREES, 51 MINUTES, 46 SECONDS EAST, A  
 DISTANCE OF 130.00 FEET TO A POINT ON AN INTERMEDIATE  
 TRAVERSE LINE;

THENCE SOUTH 17 DEGREES, 55 MINUTES, 51 SECONDS WEST, A  
 DISTANCE OF 206.39 FEET ALONG THE INTERMEDIATE TRAVERSE LINE;

THENCE SOUTH 09 DEGREES, 59 MINUTES, 34 SECONDS WEST, A  
 DISTANCE OF 74.73 FEET ALONG THE INTERMEDIATE TRAVERSE LINE;

THENCE SOUTH 22 DEGREES, 16 MINUTES, 35 SECONDS WEST, A  
 DISTANCE OF 112.54 FEET ALONG THE INTERMEDIATE TRAVERSE LINE;

THENCE NORTH 78 DEGREES, 57 MINUTES, 31 SECONDS WEST, A  
 DISTANCE OF 85.54 FEET TO THE EAST LINE OF ARTHUR STREET;

THENCE NORTH 11 DEGREES, 07 MINUTES, 19 SECONDS EAST, A  
 DISTANCE OF 152.73 FEET ALONG THE EAST LINE OF ARTHUR STREET  
 AND THE POINT OF BEGINNING.

SAID PARCEL EXTENDS TO THE EDGE OF MANISTEE LAKE.

**SHARED ACCESS EASEMENT**

AN EASEMENT FOR SHARED ACCESS IN PART OF GOVERNMENT LOT 3,  
 SECTION 1, TOWN 21 NORTH, RANGE 17 WEST, UNPLATTED CITY OF  
 MANISTEE, MANISTEE COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH  
 2/3 OF SAID GOVERNMENT LOT 3 AND THE EAST RIGHT-OF-WAY OF  
 ARTHUR STREET;

THENCE NORTH 11 DEGREES 08 MINUTES 14 SECONDS EAST, A  
 DISTANCE OF 249.99 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 11 DEGREES 08 MINUTES 14 SECONDS  
 EAST ALONG SAID LINE, A DISTANCE OF 16.32 FEET;

THENCE SOUTH 78 DEGREES 51 MINUTES 46 SECONDS EAST, A  
 DISTANCE OF 61.32 FEET;

THENCE SOUTH 11 DEGREES 08 MINUTES 14 SECONDS WEST, A  
 DISTANCE OF 32.64 FEET;

THENCE NORTH 78 DEGREES 51 MINUTES 46 SECONDS WEST, A  
 DISTANCE OF 61.32 FEET;

THENCE NORTH 11 DEGREES 08 MINUTES 19 SECONDS EAST, A  
 DISTANCE OF 16.32 FEET TO THE POINT OF BEGINNING.

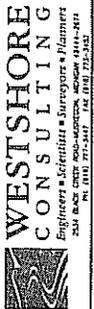
NOTE: REPLAT NUMBER 2 CONSISTS OF AS-BUILT LOCATIONS FOR  
 DOCKS. SURVEY WAS PERFORMED ON 12/05/2008.

**SHEET INDEX**

1	COVER SHEET
2	SURVEY PLAN
3	SITE PLAN
4	UTILITY & FLOODPLAIN PLAN
5	END UNIT—FIRST & SECOND FLOOR PLAN
6	STANDARD UNIT—FIRST & SECOND FLOOR PLAN

REPLAT NO. 1 DATED: 3/31/05  
 REPLAT NO. 2 DATED: 1/19/09 (PERTAINS TO SHEETS 2 THROUGH 4)

STEPHEN V. VALLIER LLS 26428 DATE:  
 WESTSHORE CONSULTING  
 2534 BLACK CREEK ROAD  
 MUSKEGON, MI. 49444-2674



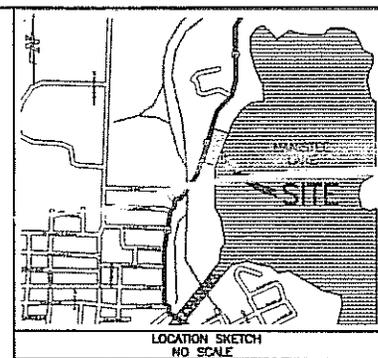
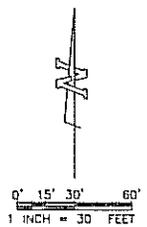
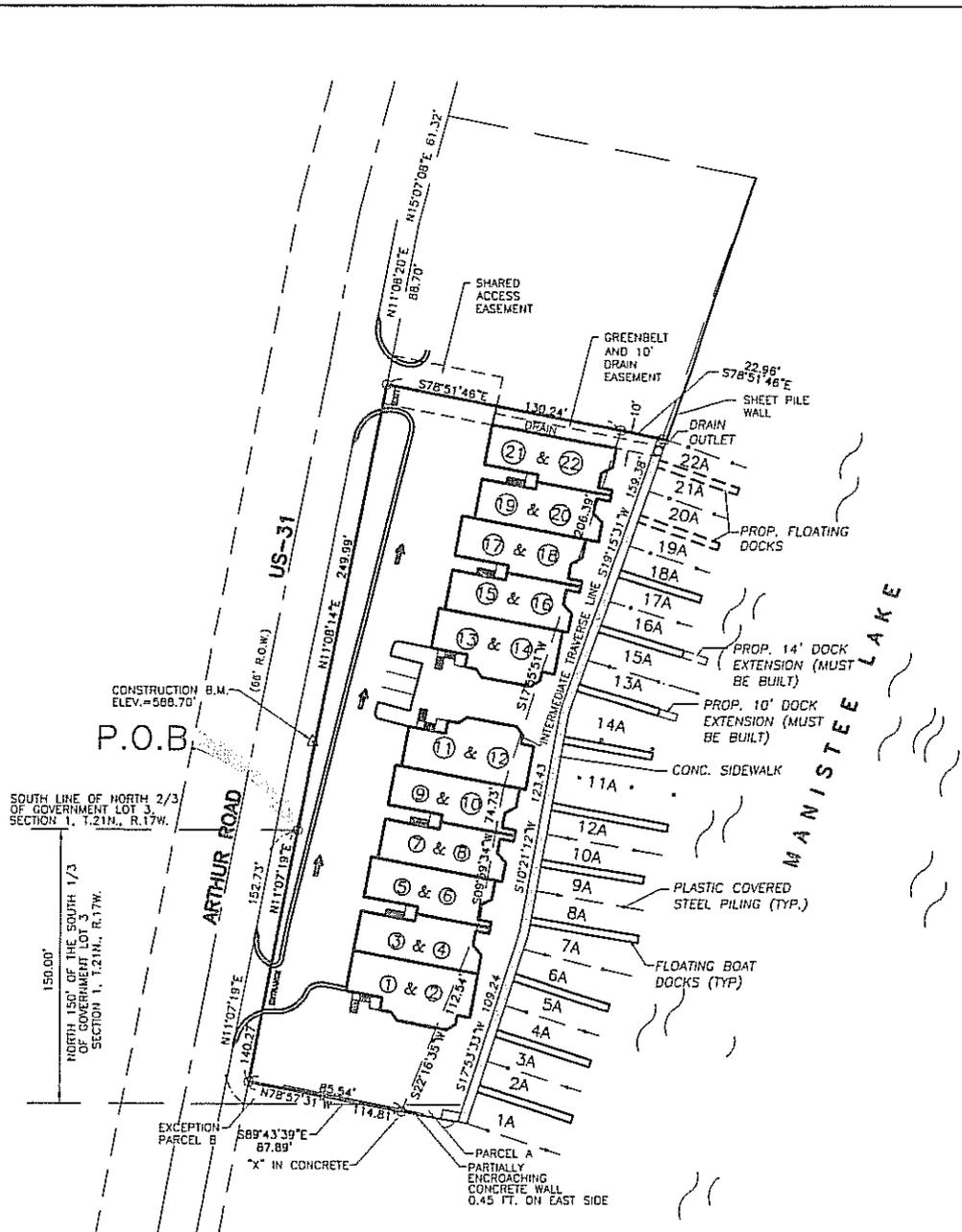
PROJECT NAME:  
**BAYVIEW  
 CONDOMINIUMS**

ENGINEERING:  
 LINDEN COURT DEVELOPMENT, INC.  
 17512 RIDGEMOOR CT.,  
 BOX 64  
 GRAND HAVEN, MI 49417

REVISIONS	
DATE	ISSUED FOR
1/24/04	REPLAT #1
1/18/09	REPLAT #2

ISSUED:  
 AFD:  
 CND: SW  
 DTH: BL/BLA  
 FIELD BOOK #  
 DRAWING TITLE  
 SHEET1.DWG

BAYVIEW  
 CONDOMINIUMS  
 COVER  
 SHEET  
 SHEET 1 OF 6  
 WESTSHORE JOB #  
 B27-3A



**NOTES**

- BOUNDARY AS SHOWN ON SURVEY BY JENEMA LAND SURVEYS, P.L.L.C., 11-15-93.
- BENCHMARK INFORMATION: SPIKE WITH WASHER ON POWER POLE, ELEV. 588.70' U.S.G.S. DATUM

- = LIMITS OF OWNERSHIP
- ⊙ = UNIT NUMBER
- = SET CONCRETE MONUMENT
- △ = BENCHMARK
- 3A = DOCK (LIMITED COMMON ELEMENT)

NOTE: REPLAT NUMBER 2 CONSISTS OF AS-BUILT LOCATIONS FOR DOCKS. SURVEY WAS PERFORMED ON 12/05/2008. SEE SHEET 3

**SURVEYOR'S CERTIFICATE:**

I, STEPHEN V. VALLIER, LICENSED LAND SURVEYOR OF THE STATE OF MICHIGAN HEREBY CERTIFY:  
 THAT THE SUBDIVISION PLAN KNOWN AS BAYVIEW CONDOMINIUMS, CITY OF MANISTEE, MANISTEE COUNTY, STATE OF MICHIGAN, AS SHOWN ON THE ACCOMPANYING DRAWINGS REPRESENTS A SURVEY ON THE GROUND MADE UNDER MY DIRECTION, THAT THERE ARE NO EXISTING ENCROACHMENTS UPON THE LANDS AND THE PROPERTY HEREIN DESCRIBED.  
 THAT THE REQUIRED MONUMENTS AND IRON MARKERS HAVE BEEN LOCATED IN THE GROUND AS REQUIRED BY RULES PROMULGATED UNDER SECTION 142 OF ACT NO. 59 OF THE PUBLIC ACTS OF 1978.  
 THAT THE ACCURACY OF THIS SURVEY IS WITHIN THE LIMITS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NO. 59 OF THE PUBLIC ACTS OF 1978.  
 THAT THE BEARINGS, AS SHOWN, ARE NOTED ON THE SURVEY PLAN AS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NO. 59 OF THE PUBLIC ACTS OF 1978.

STEPHEN V. VALLIER, LLS NO. 28428 DATE: \_\_\_\_\_  
 WESTSHORE CONSULTING  
 2534 BLACK CREEK ROAD  
 MUSKEGON, MICHIGAN 49444-2674  
 PROPOSED DATED: \_\_\_\_\_

REPLAT NO. 1 DATED: 3/31/05  
 REPLAT NO. 2 DATED: 1/19/08

**WESTSHORE CONSULTING**  
 Engineers • Surveyors • Planners • Filmmakers  
 2534 BLACK CREEK ROAD - MUSKEGON, MICHIGAN 49444-2674  
 P. 1818 772-3417 F. 1818 772-1843

PROJECT NAME: **BAYVIEW CONDOMINIUMS**

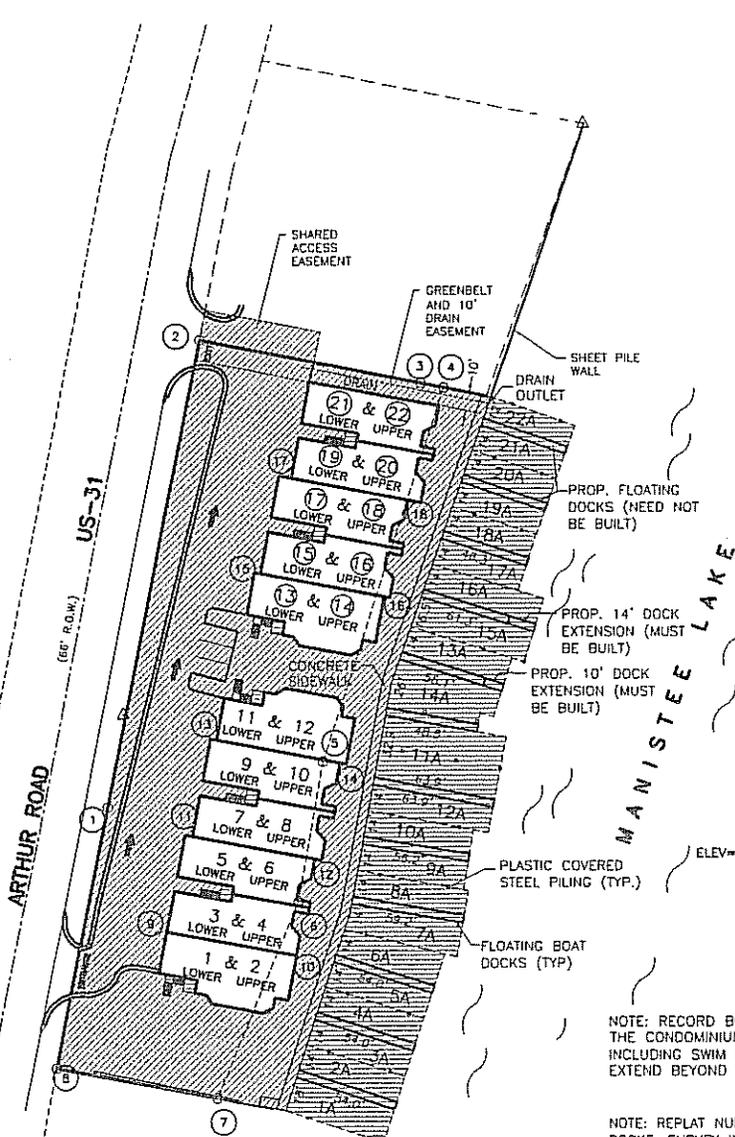
APPROVED BY: \_\_\_\_\_  
 LARRY COOT  
 LAND DEVELOPER  
 17812 REDWOOD CT.  
 BOX 84  
 GRAND HAVEN, MI 49417

REVISIONS
DATE ISSUED FOR
BY/WHO
REPLAT #1
BY/WHO
REPLAT #2
BY/WHO

ISSUED: \_\_\_\_\_  
 APR: \_\_\_\_\_  
 DCR: \_\_\_\_\_  
 DRW: 01/01A  
 FIELD BOOK # \_\_\_\_\_  
 DRAWING TITLE: SHEETS.DWG

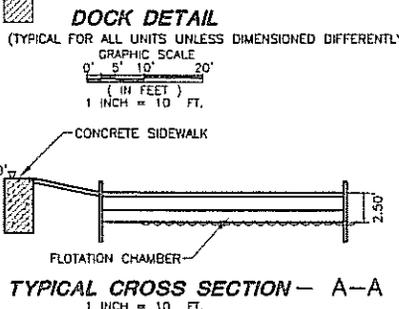
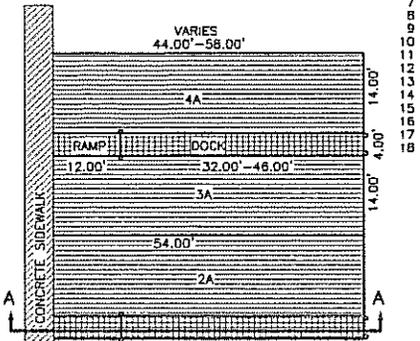
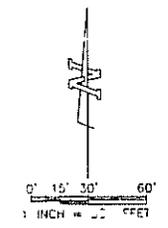
**SURVEY PLAN**

SHEET 2 OF 6  
 WESTSHORE JOB # \_\_\_\_\_  
 827-3A



COORDINATE LISTING

POINT	NORTHING	EASTING
1	993.4325	1775.1199
2	1228.7110	1778.3146
3	1215.9244	1894.0884
4	1213.5124	1906.0934
5	1017.1470	1842.5524
6	943.2507	1829.5649
7	839.4151	1788.9223
8	855.7969	1702.9089
9	927.6467	1760.7132
10	914.9256	1828.6322
11	978.0851	1773.9852
12	966.0552	1839.1069
13	1028.5882	1786.7089
14	1016.4736	1851.3789
15	1115.5827	1809.9627
16	1103.4537	1874.7199
17	1185.4360	1826.2516
18	1153.9912	1887.3565



- LEGEND**
- [Hatched Box] = GENERAL COMMON ELEMENT
  - [Horizontal Lines Box] = LIMITED COMMON ELEMENT
  - [Dashed Line] = LIMITS OF OWNERSHIP
  - [Number] = UNIT NUMBER
  - [19A] = DOCK (LIMITED COMMON ELEMENT)
  - [Circle] = SET CONCRETE MONUMENT
  - [Triangle] = BENCHMARK

NOTES:

- UNITS 1-18 "MUST BE BUILT"
- UNITS 19-22 "NEED NOT BE BUILT"
- DRIVEWAY AND WALKWAYS FOR UNITS 1-18 "MUST BE BUILT"
- DRIVEWAY AND WALKWAYS FOR UNITS 19-22 "NEED NOT BE BUILT"
- DOCKS FOR UNITS 1-18 "MUST BE BUILT"
- DOCKS FOR UNITS 19-22 "NEED NOT BE BUILT"
- CONCRETE PATIOS ON EAST SIDE OF LOWER UNITS ARE LIMITED COMMON ELEMENTS.

NOTE: RECORD BOAT LENGTH RESTRICTIONS ON THE MASTER DEED OF THE CONDOMINIUM DOCUMENTS THAT CLEARLY SPECIFY THAT BOATS, INCLUDING SWIM PLATFORMS, BOWSPRITS AND/OR PULPITS, SHALL NOT EXTEND BEYOND THE END OF THE AUTHORIZED DOCK LENGTH.

NOTE: REPLAT NUMBER 2 CONSISTS OF AS-BUILT LOCATIONS FOR DOCKS. SURVEY WAS PERFORMED ON 12/05/2008.

STEPHEN V. VALLIER LLS NO. 28428 DATE: \_\_\_\_\_  
 WESTSHORE CONSULTING  
 2534 BLACK CREEK ROAD  
 MUSKEGON, MICHIGAN 49444-2674  
 PROPOSED DATED:  
 REPLAT NO. 1: 3/31/05  
 REPLAT NO. 2: 1/19/09

**WESTSHORE CONSULTING**  
 Engineers • Scientists • Surveyors • Planners  
 2534 Black Creek Road, Muskegon, Michigan 49444-2674  
 Tel: (616) 771-1111 Fax: (616) 771-1112

PROJECT NAME: **BAYVIEW CONDOMINIUMS**

REVISIONS

DATE	ISSUED FOR
3/28/04	REPLAT #1
1/19/09	REPLAT #2

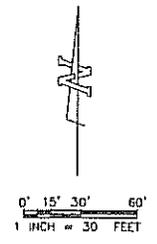
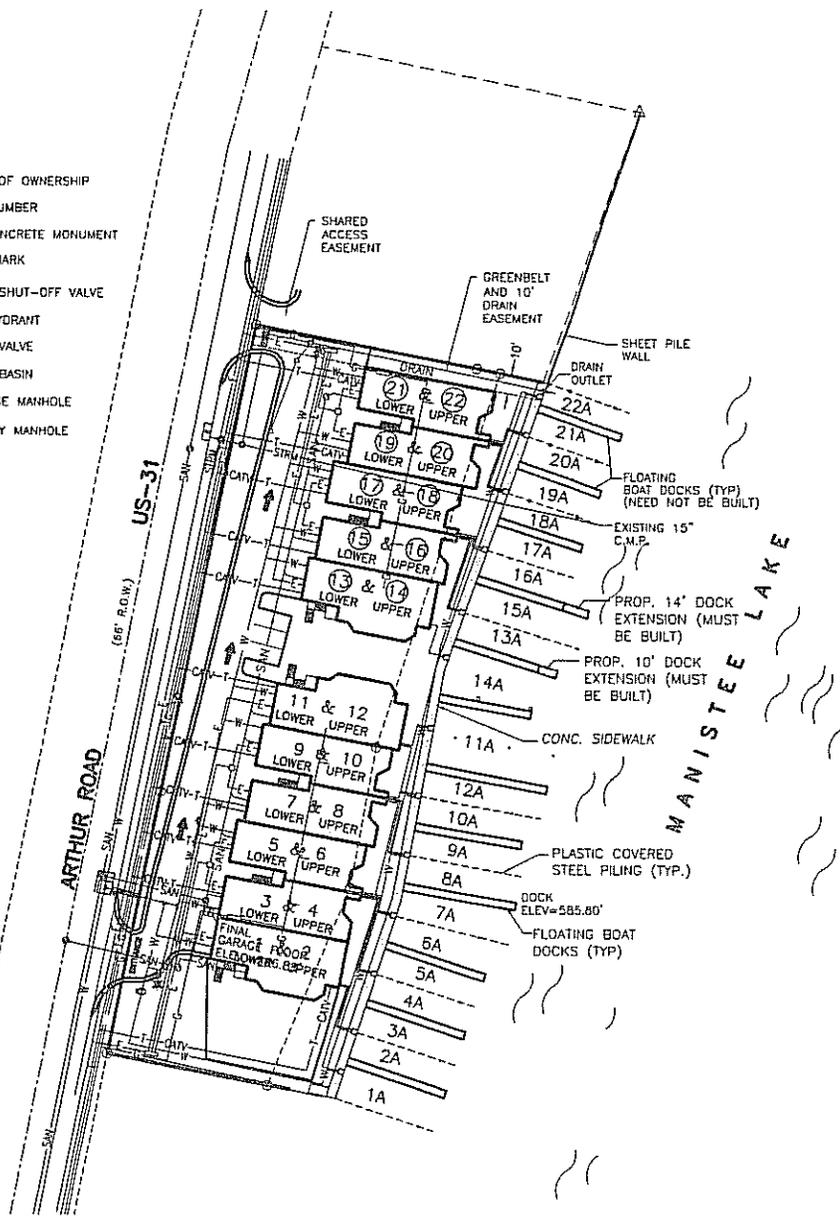
ISSUED:  
 APR:  
 CDR:  
 DPT: DJ/BJA  
 FIELD BOOK #  
 DRAWING TITLE  
 SHEETS.DWG

SITE PLAN

SHEET 3 OF 6  
 WESTSHORE JOB #  
 027-3A

**LEGEND:**

- LIMITS OF OWNERSHIP
- UNIT NUMBER
- △ SET CONCRETE MONUMENT
- ⊕ BENCHMARK
- ⊖ WATER SHUT-OFF VALVE
- ⊕ FIRE HYDRANT
- ⊖ WATER VALVE
- ⊖ CATCH BASIN
- ⊖ DRAINAGE MANHOLE
- ⊖ SANITARY MANHOLE



**NOTES**

1. BOUNDARY AS SHOWN PER SURVEY BY JENEMA LAND SURVEYS, #93637, 11-15-93.
  2. UTILITY SERVICE PROPOSED TO BE BY CITY OF MANISTEE FOR WATER AND SEWER, POWER BY CONSUMER'S ENERGY, NATURAL GAS BY MICHCON, TELEPHONE BY \_\_\_\_\_
  3. FINAL LOCATIONS OF UTILITIES DEPENDANT ON DISTRIBUTION PLANS PROVIDED BY UTILITY COMPANY—NOT AVAILABLE AS OF DATE OF PLAN PREPARATION
  4. FLOODPLAIN INFORMATION ZONE AE ELEV.=584.00
- NOTE: REPLAT NUMBER 2 CONSISTS OF AS-BUILT LOCATIONS FOR DOCKS. SURVEY WAS PERFORMED ON 12/05/2008. SEE SHEET 3

SYMBOL	UTILITY	SOURCE
— G —	GAS	WESTSHORE CONSULTING
— W —	WATER	WESTSHORE CONSULTING
— SAN —	SANITARY SEWER	WESTSHORE CONSULTING
— STRM —	STORM SEWER	WESTSHORE CONSULTING
— E —	ELECTRIC	WESTSHORE CONSULTING
— T —	TELEPHONE	WESTSHORE CONSULTING
— CATV —	CABLE TV	WESTSHORE CONSULTING

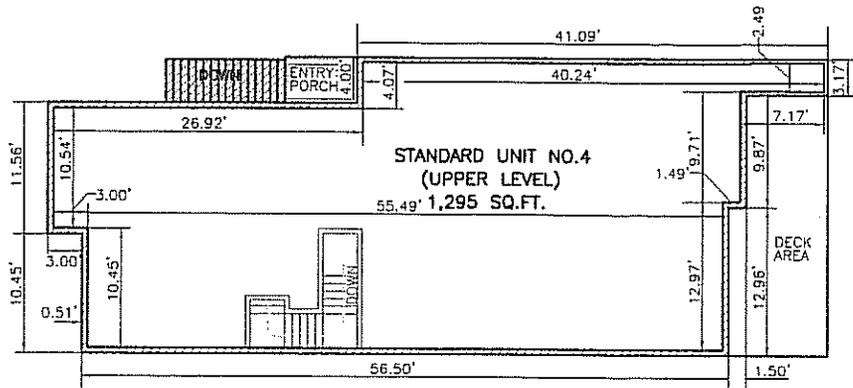
3A = DOCK (LIMITED COMMON ELEMENT)

NOTES:  
 UNITS 1-18 "MUST BE BUILT"  
 UNITS 19-22 "NEED NOT BE BUILT"  
 DRIVEWAY AND WALKWAYS FOR UNITS 1-18 "MUST BE BUILT"  
 DRIVEWAY AND WALKWAYS FOR UNITS 19-22 "NEED NOT BE BUILT"  
 DOCKS FOR UNITS 1-18 ARE "AS-BUILT"  
 DOCKS FOR UNITS 19-22 "NEED NOT BE BUILT"  
 ALL UTILITIES SERVICING UNITS 1-18 MUST BE BUILT  
 UTILITIES SERVICING UNITS 19-22 NEED NOT BE BUILT

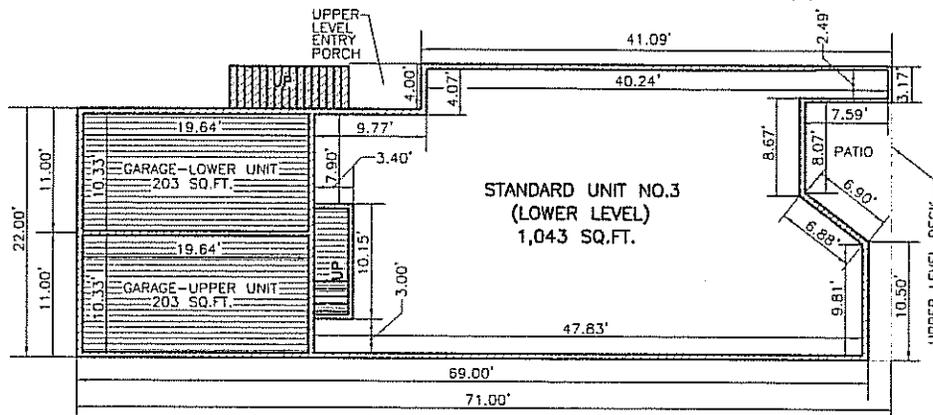
STEPHEN V. VALLER LLS NO. 28428 DATE:  
 WESTSHORE CONSULTING  
 2534 BLACK CREEK ROAD  
 MUSKEGON, MICHIGAN 49444-2674  
 PROPOSED DATED:

REPLAT NO. 1: 3/31/05  
 REPLAT NO. 2: 1/19/09

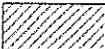


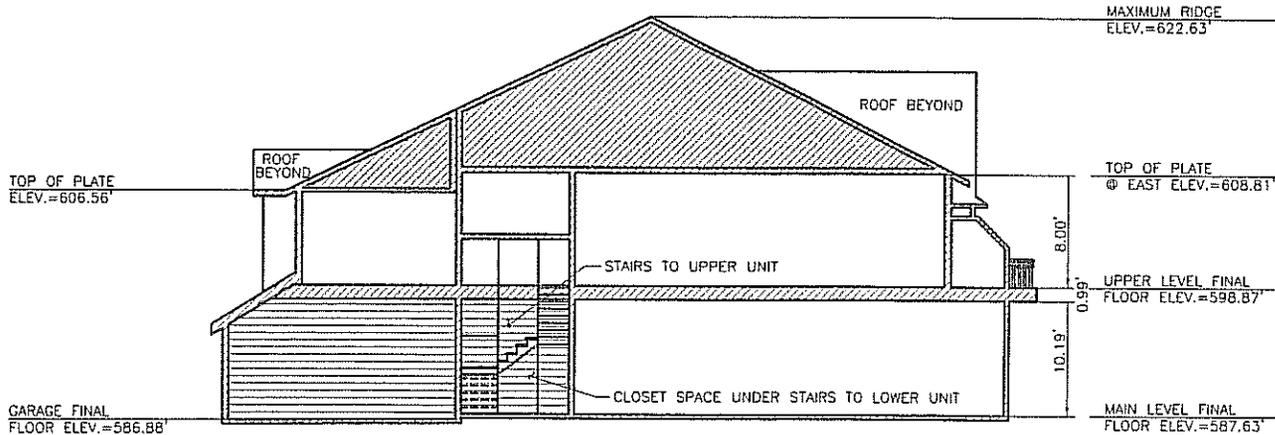


TYPICAL FOR UNITS 4, 6, 8, 10, 16, 18, 20, AND 22



TYPICAL FOR UNITS 3, 5, 7, 9, 15, 17, 19, AND 21

-  GENERAL COMMON ELEMENT
-  LIMITED COMMON ELEMENT
-  LIMITS OF OWNERSHIP



STEPHEN V. VALLIER LLS NO. 28426 DATE:  
 WESTSHORE CONSULTING  
 2534 BLACK CREEK ROAD  
 MUSKEGON, MICHIGAN 49444-2674

REPLAT NO. 1 DATE: 3/31/05  
 REPLAT NO. 2 DATE: 1/19/09

# Request o Split a Parcel

Name and Address of Applicant: LINDEN COURT DEVELOPMENT INC  
406 N. LAVINIA

LEEDINGTON, WI 49431

Signature Dennis W. Scenlap VICE PRES  
DENNIS W. SCENLAP

Phone Numbers: Home 231-845-6737 Work 231-777-3447

Name and Address of other parties who have an interest: \_\_\_\_\_

Signature \_\_\_\_\_

Phone Numbers: Home \_\_\_\_\_ Work \_\_\_\_\_

Parcel Identification Numbers for all parcels involved: "LITTLE CEASARE" - 51-51-101-275-07  
"SMALL PIECE" - 51-51-142-000-00

Reason for request: TO JOIN W/ LARGER PARCEL  
KNOWN AS LITTLE CEASARES PARCEL

Attach a sketch or site plan of all parcels involved in the request. The sketch must include the location of buildings and/or structures, building set-backs, streets, street names and lot dimensions.

Fee: 100.00  
\$50.00 for first split + \$25.00 for each additional split.

Receipt # 21508  
~~21508~~

## Request to Combine a Parcel

Name and Address of Applicant: LINDEN COURT DEVELOPMENT INC  
406 N. LAVINIA

WRESTINGTON, W.I. 49431

Signature *Dennis W. Donlap* VICE PRES.  
DENNIS W. DONLAP

Phone Numbers: Home 231-845-6737 Work 231-777-3447

Parcel Identification Numbers for all parcels involved: "LITTLE CEMETARY" - 51-51-101-275-07  
SMALL PIECE - 51-51-142-000-00

Reason for request: TO JOIN W/ LITTLE CEMETARY PARCEL

Attach a sketch or site plan of all parcels involved in the request. The sketch must include the location of buildings and/or structures, building set-backs, streets, street names and lot dimensions.

Fee: \$25.00

Receipt # \_\_\_\_\_

SCALES  
NORTH →

± US 31  
(ARTHUR STREET)

BAY VIEW  
CONDOS

LITTLE  
CEASARS  
BLDG  
NOW REACTY  
FIRST

MOONLIGHT  
MOTEL  
RV PARK

51-51-101-275-07

±02.54'

51-51-142-000-00

24'±

158'±

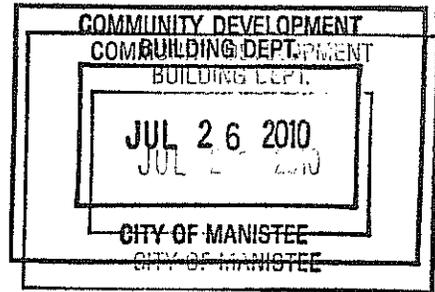
SEAWALL

MANISTEE LAKE

# Bayview Condominiums of Manistee

Michael R. Wood  
10130 N. Centerline Road  
Bitely, Michigan 49309  
231-745-3236 Fax 745-8736

City of Manistee Community Development  
Mr. Jon R. Rose



Reference: Notification of Public Hearing, August 5 7:00 p.m.  
Subject: Linden Court Development, Inc.

✓ Dear Mr. Rose:

This letter is to inform you that the individual owners of Bayview Condominiums of Manistee recognize and do not object to the "sliver of land" being transferred from Condominium Complex General Common Elements to Linden Court Development, Inc. nor do we object to this "sliver" being added to the (old) Little Ceasars parcel 51-51-101-175-07.

The "sliver" property transfer as well as property east of the Condo complex between the condo parcel and the (old ) Little Ceasars parcel were granted as part of a legal settlement -Case #07-12784-CK (the Honorable James M.. Batzer).

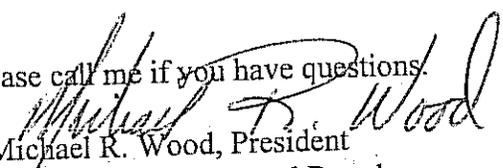
I, Michael R. Wood as President of the Owners Assopciation and the Board of Directors have written consent from the owners for resolution of this case.. As such I believe it is in the interest of all parties that I mention several other related points.

. The Fifth amendment to the Master Deed of Bayview Condiminiums of Manistee filed and recorded, November 6, 2009, reflects the smaller Bayview lands. Without the "sliver" waterfront and less General Common Element land north of Building 2, the Taxable Value of all the Individual units and Assessments should be lowered. (Tax IDs 51-51-142-010-001 to 022). This is valuable land that the owners gave up without compensation and lowered their individual unit values.

. As part of the Case settlement the Owners Association of Bayview Condominiums of Manistee was granted a permanent "use of and sale of" restriction that limits any and all parts of parcels 55-51-101-275-07 and 09 to "Residential Use."

. I have marked up your rough sketch attachment to assure we each understand the parcel numbers we are addressing.

Thank you for your consideration. Please call me if you have questions.

  
Michael R. Wood, President  
Owners Association and Board  
(Cell 231-250-1594)

Attachment

cc.

Mr. R. Edward Kuhn  
Zimmerman, Kuhn Darling  
Boyd, Quandt and Phelps, PLC.  
Bayview Owners Association

City of Manistee  
Assessors Office  
and Treasurers Office

Linden Court Development, Inc.

SCALES NORTH →

E US 31  
(ARTHUR STREET)

LITTLE  
CAESARS  
BLDG  
NOW READY  
FIRST

MOONLIGHT  
MOTEL  
RV PARK

BAY VIEW  
CONDOS

Cement # 51-101-275-09

51-51-101-275-07

35.20±

51-51-142-000-00

24±

158'±

SEAWALL

Old Parcel  
# as part of  
Bayview Condominiums  
of Manistee

MANISTEE LAKE

City of Manistee  
7-13-10  
Attachment