

**MANISTEE CITY
ZONING BOARD OF APPEALS**

Meeting of December 10, 2015
5:30 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 Zoning Board of Appeals can take action to approve the December 10, 2015 Agenda.

IV APPROVAL OF MINUTES

At this time Zoning Board of Appeals can take action to approve the January 22, 2015 meeting Minutes.

V PUBLIC HEARING

ZBA-2015-01 Thomas E. Amor – Variance to Section 903.A Parcel Area and 903.B Parcel width (Dimensional Standards).

In the R-2 zoning district parcels were a duplex is located requires 80 feet of parcel width and 10,000 sq. ft. of parcel area. The applicant is requesting a variance to allow a duplex on a parcel with 58 feet of parcel width and 7,656 sq. ft. of parcel area.

At this time the Chair will open the public hearing
The Applicant shall be asked to present their case to the Zoning Board of Appeals.
City Staff and any Consultants serving the City will present their reports
The Hearing will be opened for Public Comments
The Public Hearing will be closed.

VI BUSINESS SESSION:

Action on Pending Cases

ZBA-2015-01 Thomas E. Amor – Variance to Section 903.A Parcel Area and 903.B Parcel width (Dimensional Standards).

After the Public Hearing is closed the Zoning Board of Appeals can take action on the request from Thomas E. Amor to allow a duplex a duplex on a parcel with 58 feet of parcel width and 7,656 sq. ft. of parcel area.

At this time the Zoning Board of Appeals could take action to approve/deny/approve with conditions the

variance requests from Thomas E. Amor to allow a duplex on a parcel with 58 feet of parcel width and 7,656 sq. ft. of parcel area.

Old Business

Other Business of the Appeals Board

Misc.

VII PUBLIC COMMENTS AND COMMUNICATIONS

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

VIII ADJOURNMENT

Memorandum



TO: Zoning Board of Appeals Members
FROM: Denise Blakeslee
DATE: November 6, 2015
RE: Amor – Variance Request

Denise Blakeslee
Planning & Zoning
Administrator
70 Maple Street
Manistee, MI 49660
231.398.2805
dblakeslee@manisteemi.gov
www.manisteemi.gov

Good Morning!

The Zoning Board of Appeals will hold a public hearing on Thursday, December 10, 2015 at 5:30 pm in in the Council Chambers. The application is enclosed for your review along with before and after pictures.

ZBA-2015-01 Thomas E. Amor – Variance to Section 903.A Parcel Area and 903.B Parcel width (Dimensional Standards). In the R-2 zoning district parcels were a duplex is located requires 80 feet of parcel width and 10,000 sq. ft. of parcel area. The applicant is requesting a variance to allow a duplex on a parcel with 58 feet of parcel width and 7,656 sq. ft. of parcel area.

Within the R-2 District, the following dimensional standards shall apply:

- A. Parcel Area – No single family dwelling building or structure shall be established on any parcel less than six thousand (6,000) square feet in area. No duplex, multiple unit or commercial structure shall be established on any parcel less than ten thousand (10,000) square feet in area. For multiple unit buildings in the R-2 district, a minimum of 10,000 square feet shall be provided for the first two units, plus 5,500 square feet for each additional dwelling unit.
- B. Parcel Width – For a single family detached dwelling, the minimum parcel width shall be sixty (60) feet and for all other uses the minimum parcel width shall be eighty (80) feet.

Under the City Codified Ordinance, Chapter 1482 Residential Rental Properties all rental units have been required to be registered since the program was initiated in 2003. The building in question was not registered as a rental. Without registration as a duplex the use of the building as a duplex is not a legal non-conforming use or “grandfathered”. The applicant did not alter the footprint of the building,. When the zoning ordinance was adopted in 2006 the change was made that requires larger parcels for duplex’s and multi-unit buildings.

If you are unable to attend please call me at 398-2805.

:djb

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

**ORGANIZATIONAL
MEETING MINUTES**

January 22, 2015

A meeting of the Manistee City Zoning Board of Appeals was held on January 22, 2015 at 5:30 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Ray Fortier, Bill Kracht, John Perschbacher

MEMBER ABSENT: Mark Hoffman (excused), Craig Schindlbeck (excused)

ALTERNATES PRESENT: Thomas Smith

OTHERS: Denise Blakeslee (Planning & Zoning) and others

The meeting was called to order at 5:30 p.m. by Chairman Perschbacher

APPROVAL OF AGENDA:

MOTION by Bill Kracht, seconded by Thomas Smith to approve the Agenda as prepared.

With a voice vote this MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES:

MOTION by Bill Kracht, seconded by Thomas Smith to approve the June 4, 2014 Zoning Board of Appeals Meeting Minutes.

With a voice vote this MOTION PASSED UNANIMOUSLY

PUBLIC HEARING:

None

BUSINESS SESSION:

Election of Officers 2015

According to the By-Laws of the City of Manistee Zoning Board of Appeals their annual election of Officers is held at the January Organizational Meeting.

Chair

At this time the meeting was turned over to Denise Blakeslee who asked for nominations for the Position of Chair.

Ray Fortier nominated John Perschbacher for the position of Chair

There being no other nominations, nominations were closed.

With a roll call vote, John Perschbacher was elected Chair of the Zoning Board of Appeals for 2015, 4 to 0.

Yes	-	Kracht, Smith, Fortier, Perschbacher
No	-	None

Vice-Chair

John Perschbacher asked for nominations for the Position of Vice-Chair.

Ray Fortier nominated Mark Hoffman for the position of Vice-Chair

There being no other nominations, nominations were closed.

With a roll call vote, Mark Hoffman was elected Vice - Chair of the Zoning Board of Appeals for 2015, 4 to 0.

Yes	-	Perschbacher, Kracht, Smith, Fortier
No	-	None

Secretary

John Perschbacher asked for nominations for the Position of Secretary.

Bill Kracht nominated Ray Fortier for the position of Secretary

There being no other nominations, nominations were closed.

With a roll call vote, Ray Fortier was elected Secretary of the Zoning Board of Appeals for 2015, 4 to 0

Yes	-	Fortier, Perschbacher, Kracht, Smith
No	-	None

Appointment of a Recording Secretary 2015

Once Elected the Secretary may appoint a Recording Secretary to handle the administrative functions of the office.

Ray Fortier appointed Denise Blakeslee to act as the Recording Secretary for the Zoning Board of Appeals for the year 2015.

By Law Review

According to the By-Laws of the City of Zoning Board of Appeals shall annually review their By-Laws at the January Organizational Meeting.

No Changes were made

Old Business:

None

Other Business of the Appeals Board:

Denise Blakeslee – spoke to the members about their duties as the Board of Appeals and that they would oversee violations to the Fire Code as well as the Building Code. A workshop has been scheduled for March 30, 2015 that qualifies for Citizen Planner Credits.

Chair Perschbacher thanked the members for their service and electing him Chair for another term.

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:

None

ADJOURNMENT:

There being no further business meeting MOTION by Ray Fortier, seconded by Bill Kracht the meeting be adjourned.

Meeting adjourned at 5:55 p.m.

Respectfully Submitted

Denise J. Blakeslee, Recording Secretary



Zoning Board of Appeals/Planning & Zoning
 City Hall
 70 Maple Street
 Manistee, MI 49660
 231.398.2805 (phone)
 231.723.1546 (fax)

Request for Appeal
 City of Manistee Zoning Board of Appeals
 Please Print

Submission of Application		
<p>After receipt of a complete application a public will be scheduled. You will receive written notice from the City indicating the date and time. You or your representative should be present at the hearing to explain your request to the Board and to answer any questions that they may have. After the hearing, the Board of Appeals will make a decision to approve, approve with conditions, or deny your request. You will receive written notice of their decision. Each application shall be accompanied by the payment of a fee \$500.00 in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the application.</p>		
Applicant Information		
Name of Owner: <u>THOMAS E. AMOR</u>		
Address: <u>12493 Hopkins Forest Dr Bear Lake MI 49660</u>		
Phone #: <u>231 723 8361</u>	Cell#: <u>231 342 1133</u>	e-mail: <u>tom@imageproled.com</u>
Name of Agent (if applicable):		
Address:		
Phone #:	Cell#:	e-mail:
Property Information		
Address: <u>303 5th St</u>	Parcel # <u>51-51-664-703-01</u>	
Present/proposed Land Use: <u>Duplex</u>		
Names and addresses of all persons, firms or corporations having a legal or equitable interest in the land: <u>As Above: THOMAS E. AMOR</u>		
List of Deed Restrictions (cite Liber & Page) and attach additional sheets if necessary: <u>None</u>		
Has a previous appeal been made with respect to this property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If a previous appeal, re-zoning or special use permit application was made state the date, nature of action requested and the decision:		
Detailed Narrative of Request		
State exactly what is intended to be done, on or with the property that necessitates a variance from the Zoning Board of Appeals. <u>See attached</u>		

Detailed Request and Justification

	<i>Identify each requested variance</i>	<i>Required by Zoning</i>	<i>Requested by Appellant</i>
<input type="checkbox"/>	Front Yard Set Back	From	To
<input type="checkbox"/>	Side Yard Set Back	From	To
<input type="checkbox"/>	Side Yard Set Back	From	To
<input type="checkbox"/>	Rear Yard Set Back	From	To
<input type="checkbox"/>	Waterfront Set Back	From	To
<input type="checkbox"/>	Height	From	To
<input type="checkbox"/>	Lot Coverage	From 10,000 SQ FT	To 9240 SQ FT w/ EASEMENT
<input type="checkbox"/>	Off Street Parking	From	To
<input type="checkbox"/>	Other: Parcel WIDTH	From 80'	To 58'

Please Mark all characteristics of your property which require the granting of a variance

<input type="checkbox"/>	Too Narrow	Explain:
<input type="checkbox"/>	Too Small	Explain:
<input type="checkbox"/>	Too Shallow	Explain:
<input type="checkbox"/>	Elevation (height)	Explain:
<input type="checkbox"/>	Slope	Explain:
<input type="checkbox"/>	Shape	Explain:
<input type="checkbox"/>	Soil	Explain:
<input type="checkbox"/>	Other:	Explain:

Specific Variance

The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **all of the Basic Conditions** and **any one (1) of the Specific Conditions** set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

Basic Conditions - The Board shall find that a variance request meets all of the following conditions.

1. The requested variance is not contrary to the public interest or to the intent and purpose of this Ordinance.	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	
2. The requested variance does not establish a use that is not permitted by right or by a special use permit in the zoning district.	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	
3. The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district.	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	
4. The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	
5. The requested variance is for property under the control of the applicant	<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:	

Detailed Narrative of Request

I unknowingly completely remodeled the house as a two family, one bedroom each, apartment house. When purchasing the house it had a kitchen and bathroom upstairs and one down so I proceeded as existing. We totally gutted the building, walls to the studs, all new Pella windows, new doors, new furnaces, new electrical, total insulation, high efficiency appliances, new everything. I tried to do everything like I was going to live in them. New porches, painted all trim work and garage. When applying for address change I found out that it was not registered as a duplex.

Basic Conditions

1. Requested variance is not contrary to public interest or to the intent and purpose of this ordinance.
 - a. This totally remodeled facility is a visual and functional asset to the neighborhood and the community as a whole. It offers a much needed, top quality home for two couples or two single people. It has a two car garage and two car parking in addition to the church parking area.
2. Request does not establish a use abnormal to the neighborhood. There is a duplex just two doors away at 295 Fifth St.
3. The improvement and requested variance does not create an adverse effect upon properties in the immediate vicinity. I have signatures of approval from all the immediate neighbors.
4. I don't believe this would necessitate a change in the ordinance as the money required to invest in changing an existing house is excessive and would be a deterrent.
5. The requested variance is for the property under my control.
6. I did not believe I was doing anything wrong as there was a kitchen, bathroom and separate entrance for the upstairs.
7. There is not an alternative that would allow the improvement to the property without the requested variance.
8. The requested variance is the minimum necessary to still permit the reasonable use of the land as it is now.

Special Conditions

The practical difficulty with the property that prevents full compliance with the ordinance is the size of the lot not meeting the square footage target. The improvement to the property and neighborhood should more than offset the variance to a ridged interpretation.

Is there exceptional or extraordinary circumstance No

There is at least one other duplex just two doors away

<input checked="" type="checkbox"/>	A description of the proposed development	FLOOR PLAN ATTACHED
<input checked="" type="checkbox"/>	A vicinity map showing the location of the site in relation to the surrounding street system.	

Rules – The following rules shall be applied in the granting of variances

The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.

Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a City zoning permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.

No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the Zoning Board of Appeals along with a report and recommendation on the nature of such newly discovered evidence and whether it may have been pertinent to the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied variance. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing, notice and fee requirements of this Ordinance.

Authorization

AFFIDAVIT:

The undersigned acknowledges that if a variance is granted or other decisions favorable to the undersigned is rendered upon this appeal, the said decision does not relieve the applicant from compliance with all other provisions of the City of Manistee Zoning Ordinance; the undersigned further affirms that he/she or they is (are) the (owner/lessee/authorized agent for the owner) involved in the appeal and the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his, her or their knowledge and belief. By signing this affidavit permission is given for Zoning Board of Appeals Members to make a site inspection if necessary.

Signature: Thomas E. Amor Date: 11/3/15

Signature: _____ Date: _____

Fee of \$500.00 enclosed and Site Plan for project attached (request cannot be issued without site plan)

Office Use Only

Fee: <input type="checkbox"/> \$500.00	Receipt #
Date Received:	Hearing Date: ZBA-

6. The requested variance was not self-created by the applicant or property owner.		<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:		
7. There is not an alternative that would allow the improvement to the property without the requested variance.		<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:		
8. The requested variance is the minimum amount necessary to still permit the reasonable use of the land.		<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:		
Special Conditions - When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:		
Are there practical difficulties with the property that prevents full compliance with the requirements of the ordinance? [Practical difficulties are evaluated in terms of the use of the parcel. Neither the fact the appellant could incur additional costs to achieve full compliance or receive additional income with less than full compliance are to be considered]		<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:		
Is there an exceptional or extraordinary circumstance or physical condition (narrowness, shallowness, shape or topography) of the property or to the proposed use that does not apply to other properties or uses in the same zoning district?		<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:		
Is the requested variance for a right possessed by other properties in the same zoning district?		<input type="checkbox"/> yes <input type="checkbox"/> no
Justification:		
Site Plan Requirements		
The applicant is responsible to provide a survey and legal description (unless waived by the Zoning Administrator) as follows:		
<input type="checkbox"/>	The property, identified by parcel lines and location and size	
<input checked="" type="checkbox"/>	The scale, north point.	
<input type="checkbox"/> N/A	Natural features such as woodlots, waterbodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.	
<input checked="" type="checkbox"/>	The location of proposed and main and accessory buildings, existing structures, fences on the site, the height of all buildings, square footage of floor space and set-backs.	
<input type="checkbox"/> N/A	The proposed driveway, if any.	
<input type="checkbox"/> N/A	If the parcel is a result of a parcel split resulting after the adoption of this ordinance, then the required site plan shall show all structures and buildings, drawn to scale, that are located on the adjacent property.	
<input type="checkbox"/> N/A	Location dimensions of existing and proposed man-made features such as buildings, structures, utility easements, water, storm sewer and sanitary sewer lines, storm water drainage and retention lines.	
<input type="checkbox"/> N/A	Surface and subsurface storm water drainage and retention systems for paved, roof, and other impermeable surfaces on the site	
<input type="checkbox"/>	Neighboring driveways, and other vehicular circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and identification of service lanes and service parking	
<input type="checkbox"/> N/A	Any proposed alterations to the topography and other natural features shall be indicated.	
<input type="checkbox"/> N/A	Any proposed location of connections to existing utilities and proposed extensions thereof.	

TAXPAYER'S COPY (Please retain bottom portion for your records)

2015 SUMMER TAX BILL FOR CITY OF MANISTEE

TREASURER: 51-51-664-703-01 CITY OF MANISTEE EDWARD BRADFORD, TREASURER 70 MAPLE STREET MANISTEE, MI 49660 (231) 398-2804	Property #: 51-51-664-703-01 Bill # 03173 PRE/AG Exemption: \$0.0000 Class: 401 Assessed Value: \$36,100 School Dist: 51070 State Equalized Value: \$36,100 Mort Code: Taxable Value: \$36,100																														
OWNER/TAXPAYER: AMOR THOMAS E 12493 HOPKINS FOREST BEAR LAKE MI 49614	***TAXES ARE BASED ON TAXABLE VALUE***																														
PROPERTY ADDRESS: 303 FIFTH ST																															
<p style="text-align: center;">----- LEGAL DESCRIPTION -----</p> <p>(NOT RESPONSIBLE IF PAID ON WRONG DESCRIPTIONS)</p> <p>W MAGILLS ADD COM NE COR LOT 9, S 132 FT W 49 1/2 FT, N 132 FT, E 49 1/2 FT TO POB BEG. ALSO W 8 FT OF N 162 FT OF LOT 8 P. ADDR: 303 5TH ST ((SALE(66) 420 1636 0512 (01) 3747 0458</p> <div style="text-align: center;">  </div>	<table border="1"> <thead> <tr> <th>TAXING UNIT</th> <th>MILLS</th> <th>TAX</th> </tr> </thead> <tbody> <tr> <td>COUNTY OPER</td> <td>5.50000</td> <td>198.55</td> </tr> <tr> <td>CITY OPER</td> <td>17.76120</td> <td>641.17</td> </tr> <tr> <td>CITY REFUSE</td> <td>1.15000</td> <td>41.51</td> </tr> <tr> <td>ST EDUC TAX</td> <td>6.00000</td> <td>216.60</td> </tr> <tr> <td>MANISTEE ISD</td> <td>2.30000</td> <td>83.03</td> </tr> <tr> <td>COMM COLLEGE</td> <td>3.09070</td> <td>111.57</td> </tr> <tr> <td style="text-align: right;">TOTAL</td> <td>35.80190</td> <td>1,292.43</td> </tr> <tr> <td>ADMINISTRATION FEE</td> <td></td> <td>12.92</td> </tr> <tr> <td>TOTAL AMOUNT DUE</td> <td></td> <td>1,305.35</td> </tr> </tbody> </table>	TAXING UNIT	MILLS	TAX	COUNTY OPER	5.50000	198.55	CITY OPER	17.76120	641.17	CITY REFUSE	1.15000	41.51	ST EDUC TAX	6.00000	216.60	MANISTEE ISD	2.30000	83.03	COMM COLLEGE	3.09070	111.57	TOTAL	35.80190	1,292.43	ADMINISTRATION FEE		12.92	TOTAL AMOUNT DUE		1,305.35
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TAXES DUE BY THURSDAY, AUGUST 20, 2015.
 OFFICE HOURS 8AM - 5PM MONDAY THRU FRIDAY.

PAYMENT MUST BE RECEIVED BY DUE DATE TO AVOID PENALTY; POSTMARKS ARE NOT ACCEPTED.

WRITE CHECK FOR EXACT AMOUNT DUE.

TO GET A RECEIPT, INCLUDE A SELF-ADDRESSED STAMPED ENVELOPE OR ACCESS YOUR INFORMATION ONLINE AT WWW.MANISTEEMI.GOV/TAXES

NOTE --->
SEE BACK FOR ADDITIONAL INFORMATION



2015R000128

COVENANT DEED

MARYLYNN WRZESINSKI - REG OF DEEDS
MANISTEE COUNTY, MICHIGAN
RECORDED/SEALED ON
01/12/2015 10:25:54AM

49254

Office of Manistee
County Register of Deeds
Received on

JAN 09 2015

at 11:00 am

REC FEE: 17.00
PAGES: 2

COVENANT DEED

KNOW ALL MEN BY THESE PRESENTS: That Fannie Mae A/K/A Federal National Mortgage Association organized and existing under the laws of the United States of America, whose address is PO Box 650043 Dallas, TX 75265-0043 covenants that it is seized of said land and has a right to convey it, conveys to:

Thomas E. Amor, a married man

Whose Address is: 12493 Hopkins Forest , Bear Lake MI 49614

The Following described premises situated in the City of Manistee, Manistee County and State of Michigan, to-wit:

SEE ATTACHED LEGAL DESCRIPTION AS EXHIBIT A

For the full consideration of Twenty-Six Thousand and 0/100 Dollars (\$26,000.00) subject to covenants, restrictions, and easements of record and subject to such liens and encumbrances as may have attached or accrued through the acts or omissions of persons other than the Grantor(s) and subject to the lien of taxes not yet due and payable. Grantor covenants that neither Grantor nor any person claiming by, through, or under Grantor has through its acts, errors, or omissions impaired the marketability of the title to the premises conveyed by this deed.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act. The Grantor grants to the Grantee the right to make any and all division under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he or she is duly authorized to act for the Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

Grantee herein shall be prohibited from conveying captioned property for a sales price greater than \$31,200.00 for a period of three months from the date of the recording of this deed. Grantee shall also be prohibited from encumbering subject property with a security interest in the principal amount greater than \$31,200.00 for a period of three months from date of the recording of this deed. These restrictions shall run with the land and are not personal to Grantee.

This restriction shall terminate immediately upon conveyance at any foreclosure sale related to a mortgage or Deed of Trust.

Grantor is exempt from all taxation imposed by any state, county, municipality or local taxing authority, except for real property taxes. Thus, Grantor is exempt from any and all transfer taxes. See 12 U.S.C.A. ss. 1723a (c), MCLA 207.505 (c) and MCLA 207.526 (c).

Dated this 18th day of December, 2014

Fannie Mae A/K/A Federal National Mortgage Association organized and existing under the laws of the United States of America.

Angela S. Veda
By: Angela S. Veda
As its: Attorney in Fact by Power of Attorney dated 12/5/2013
for Potestivo & Associates, P.C.

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 18th day of December, 2014 by Angela S. Veda, for Potestivo & Associates, P.C., as Attorney-in-Fact for Fannie Mae A/K/A Federal National Mortgage Association organized and existing under the laws of the United States of America.

RACHAEL E. DIVISI
Notary Public, State of Michigan
County of Macomb
My Commission Expires 04-08-2020
Acting in the County of Macomb County, MI
My commission expires: 4/6/20
Rachael Divisi, Notary Public

Drafted by:
Potestivo & Associates, P.C.
By: Angela S. Veda
811 South Blvd. Suite 100
Rochester Hills, MI 48307
Our File Number: 14-08142

When recorded return to:
Parks Title
916 S. Main St.
Royal Oak, MI 48067

Send subsequent tax bills to:
Thomas E. Amor
12493 Hopkins Forest Dr.;
Bear Lake MI 49614

Tax Parcel: 51-51-664-703-01 Recording Fee _____ Transfer Tax: _____

182575D

EXHIBIT A-LEGAL DESCRIPTION

William Magill's Addition to the City of Manistee, County of Manistee, State of Michigan. Commencing at the Northeast corner of Lot 9, thence South 132 feet, thence West 49 1/2 feet, thence North 132 feet, thence East 49 1/2 feet to the point of beginning. Also the West 8 feet of the North 162 feet of Lot 8, according to the recorded plat thereof.

More commonly known as: 303 5th St, Manistee, MI 49660

Date 1-12-15

This is to certify that there are no tax liens or titles on this property and that the taxes are paid for FIVE YEARS previous to the date of this instrument. This certification does not include taxes, if any now in the process of collection by the City, Village or Township Treasurer, or any denied Homestead Property Affidavit.

MANISTEE COUNTY TREASURER

Candy L. Darce

JUL 25 11 04 AM '96

Penny A. Pepera
Register of Deeds
Manistee, Michigan 49660

EASEMENT

KNOW ALL MEN BY THESE PRESENTS that on June 12, 1996 by resolution of the Congregational Council, The Good Shepherd Evangelical Lutheran Church, of 521 Cypress Street, Manistee, Michigan 49660 in consideration of sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to Alan C. Thomas and Regis A. Thomas, Husband and Wife, of 303 5th. Street, Manistee, Michigan 49660 their heirs and assigns forever an easement in, to, upon and over all that portion of property to wit:

The North Twenty-four (24) feet of the South One-half (S $\frac{1}{2}$) of Lot Nine (9) of William Magill's Addition to the Village (now City) of Manistee, Michigan.

Said Easement is given for the purpose of ingress and egress and it is agreed and understood that it is not to be construed as an easement given to the exclusion of the Grantor, their heirs and assigns, or to others later granted such a similar right.

IN WITNESS WHEREOF, the undersigned Congregational Council officers have signed and sealed this document and caused this document to be executed.

Signed in Presence of

Good Shepherd Evangelical Lutheran Church

Scott W. Sessler
Scott W. Sessler

by Marjorie D. Johnson
Marjorie D. Johnson
Its President

Helen B. Olson
Helen B. Olson

and Jerry R. Ware
Jerry R. Ware
Its V.P.

I, Dennis R. Skiera, a Notary Public in and for the County of Manistee, State of Michigan, do hereby certify that Marjorie D. Johnson and Jerry R. Ware personally appeared before me this 23rd. day of July, 1996 and acknowledged that they signed, sealed and delivered this instrument as their free and voluntary act.

Dennis R. Skiera
Dennis R. Skiera, Notary Public
My Commission Expires 8-20-98

PREPARED BY

ALAN THOMAS
303 5TH ST.

MANISTEE, MI. 49660

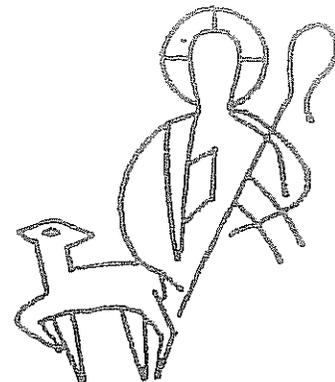
GOOD SHEPHERD

LUTHERAN CHURCH

521 Cypress Street, Manistee, Mich. 49660

Rev. Chris A. Laursen, Pastor

June 12, 1996



RESOLUTION

Whereas the entrance to the garage of the house at 303 5th Street is located at the back of the property of Good Shepherd Evangelical Lutheran Church;

Whereas entrance to the garage must be accessed from the church property on Magill Street used as a parking lot;

Whereas the owner of the 5th Street property has agreed to deed ten (10) feet of his property to Good Shepherd Lutheran Church in exchange for an agreement to allow access to the garage; area of 24 x 66 feet;

Therefore be it resolved that Good Shepherd Evangelical Lutheran Church allow access to the above mentioned garage from the Magill Street parking lot;

Further be it resolved that this agreement be in force in perpetuity.

Action taken at a duly called meeting of the Good Shepherd Evangelical Lutheran Church Congregational Council held on May 28, 1996.

Signed Marjorie D. Johnson Date 6-12-96
 Marjorie D. Johnson, President

Signed Jerry R. Ware Date 6-12-96
 Jerry R. Ware, Vice President

STATE OF MICHIGAN
County of Manistee

On this 12th. day of June, 1996 before me, a Notary Public in and for said County personally appeared Marjorie D. Johnson and Jerry R. Ware to me known to be the same persons described in and who executed the within instrument, who acknowledged the same to be their free act and deed.

My Commission Expires
August 20, 1998

Dennis L. Shieff
 Notary Public, Manistee County, Mi.



FIFTH ST

MCKEE ST

Church east

58'

LOT 7656 SQFT



41'

16'

7'

Porch

16'

4'

14'

12'

24'

Deck 16'

19'

Porch

3'

9'

8'

16'

18'

132'

20'

22'

15'

6'

22'

2 CAR GARAGE

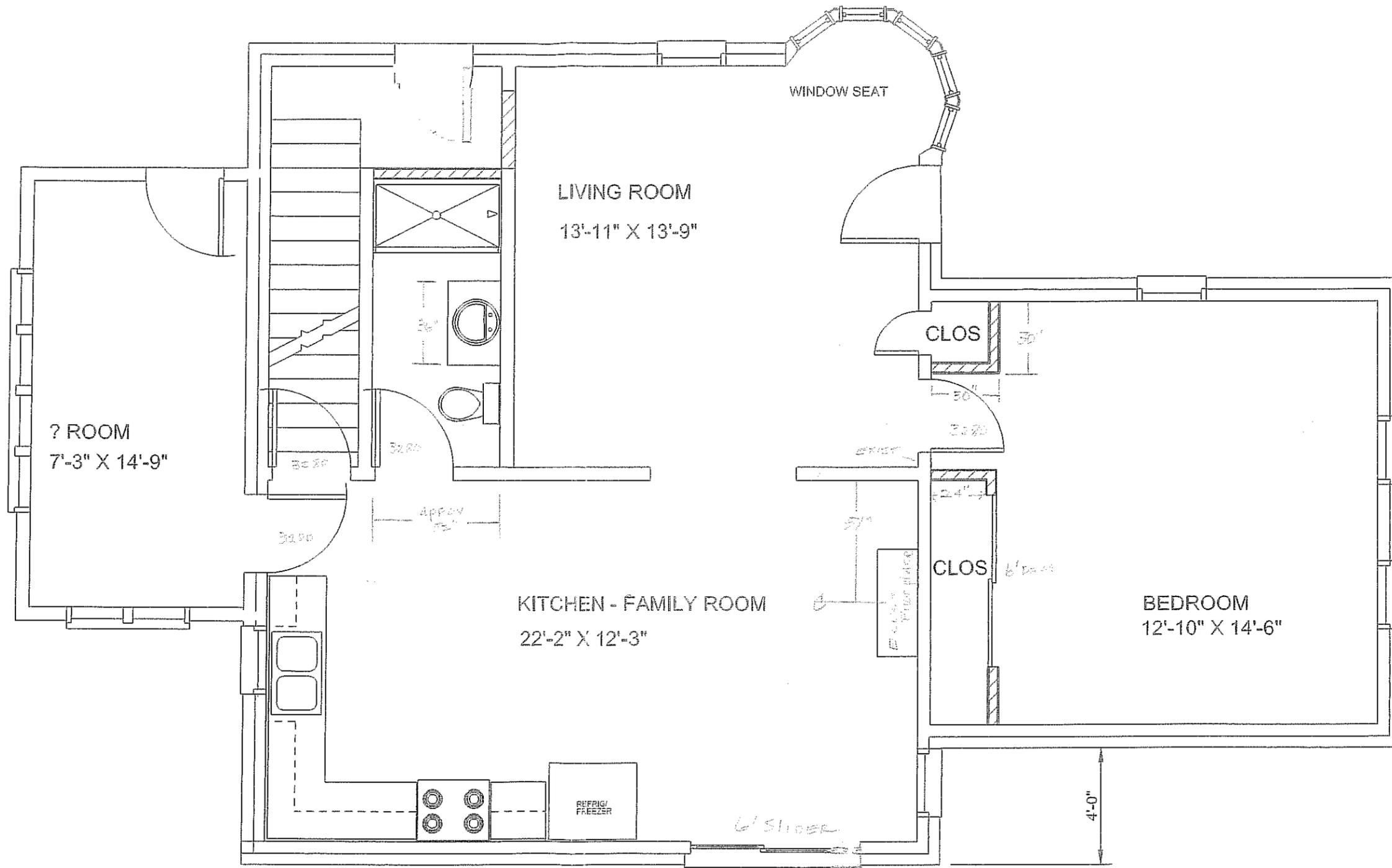
PROPOSED 2 CAR PARKING AREA

PROJECT:

303 FIFTH ST.
MUNICIPALITY, PA

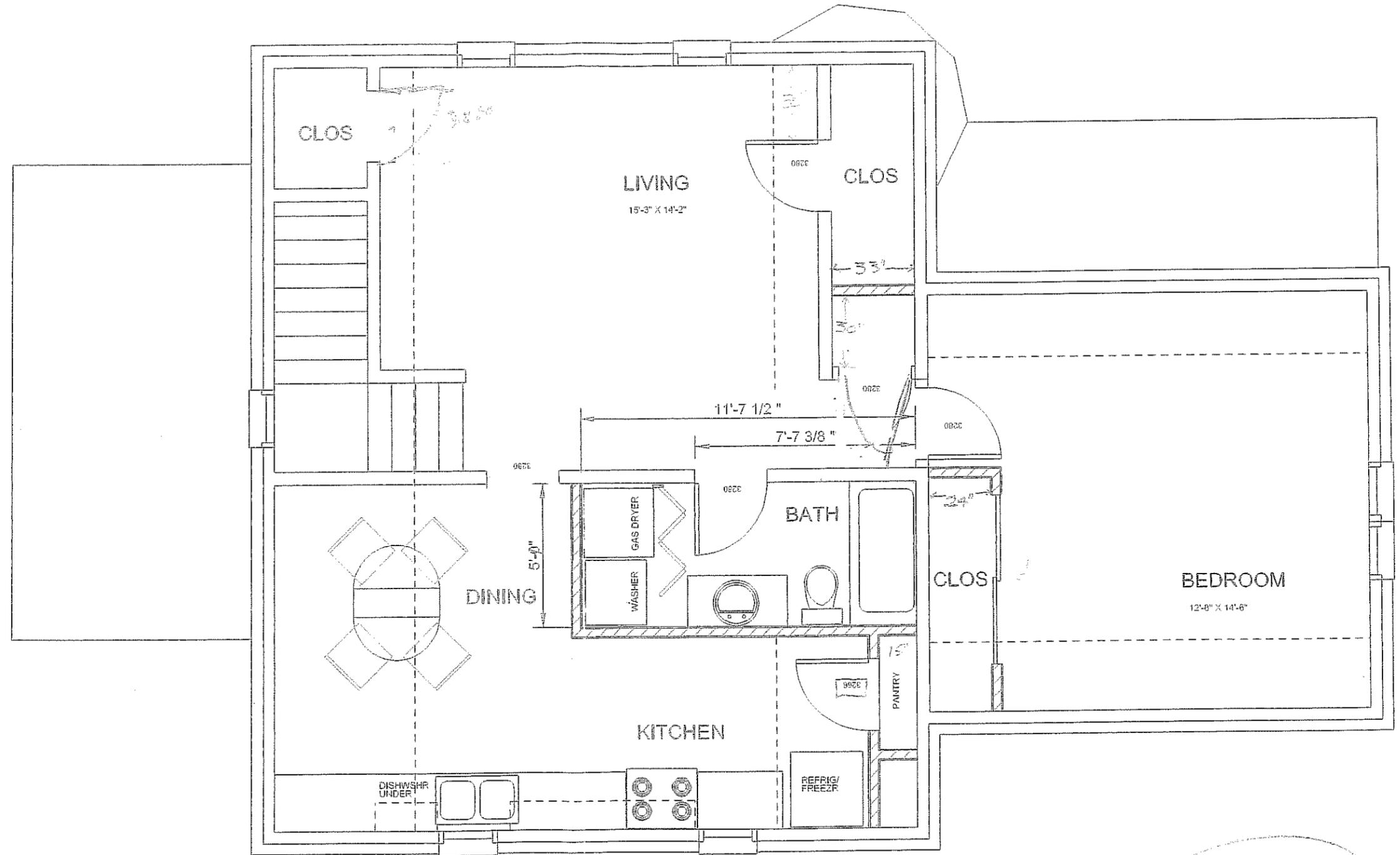
DATE: 10/29/15 SCALE: 3/32"=1'
SALES: PART NO.
DESIGN: DETAIL: THE ARCHS

PLUS EASEMENT FROM CHURCH 24'x66'S 1587 SQFT
TOTAL CONTROLLED AREA 9240 SQFT



RO 72 1/2 x 80
FIRST FLOOR APARTMENT PLAN SCALE: 1/4" = 1'-0"

Dimensions to Finishes Unless Noted

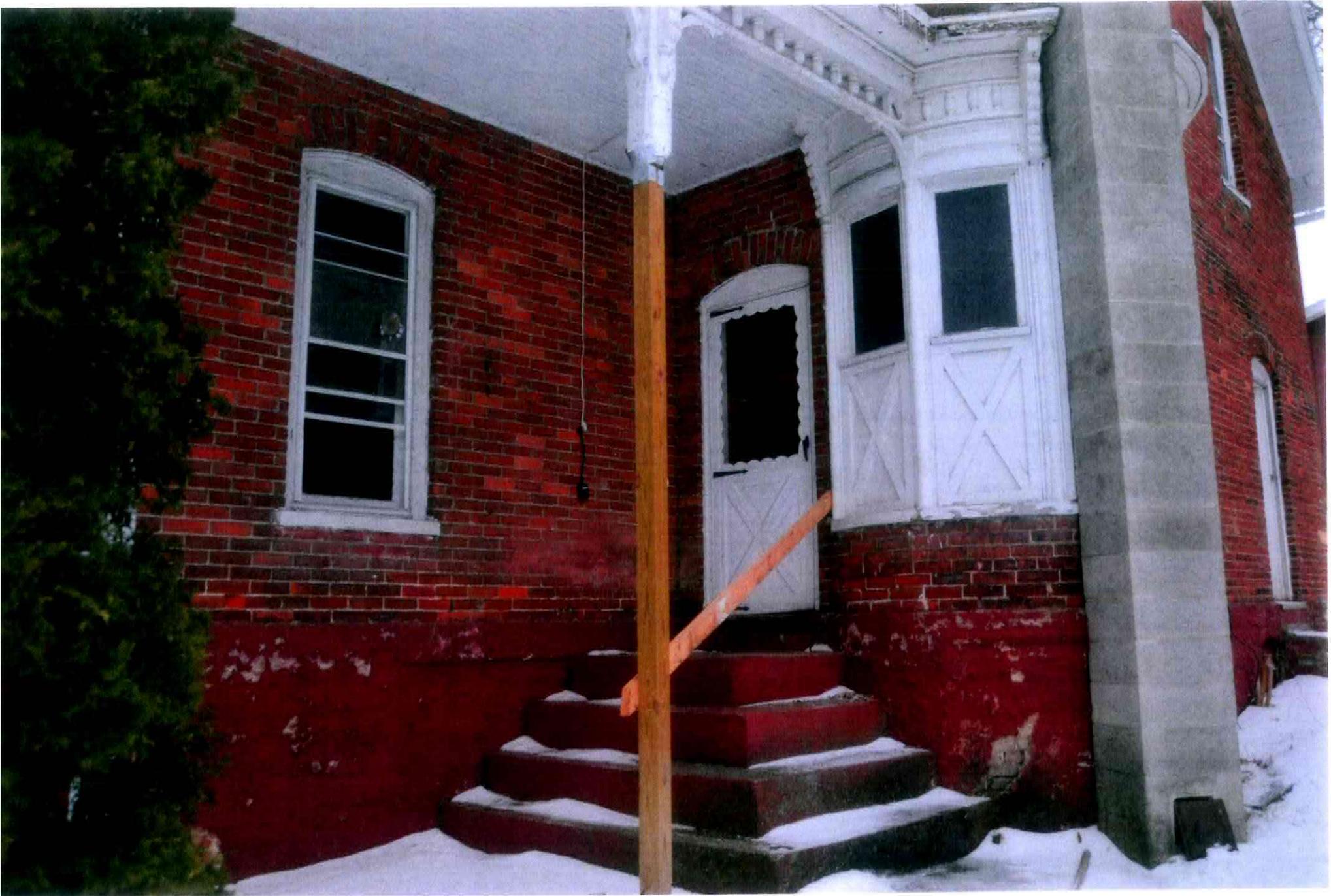


SECOND FLOOR APARTMENT

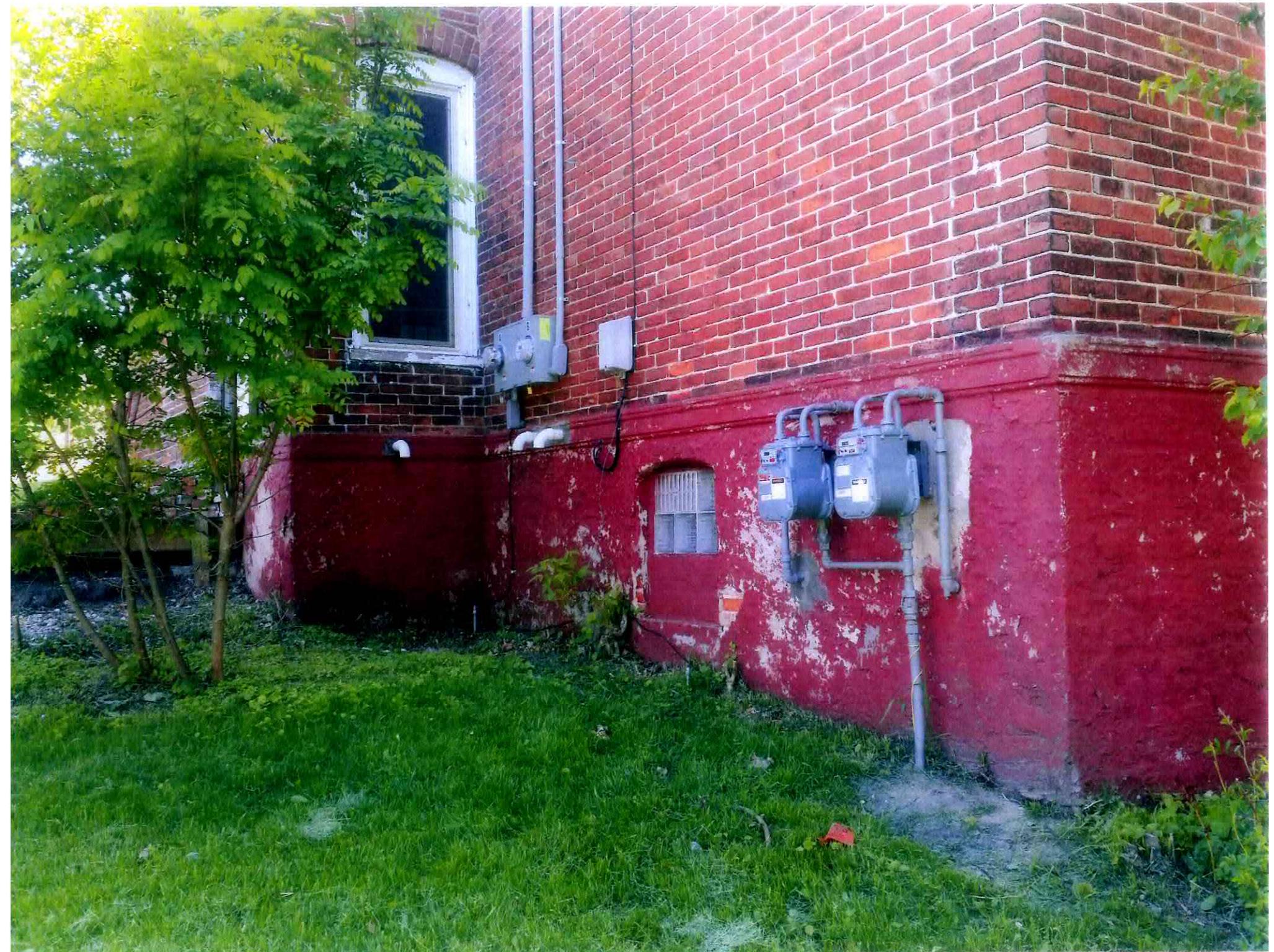
SCALE: 1/4" = 1'-0"

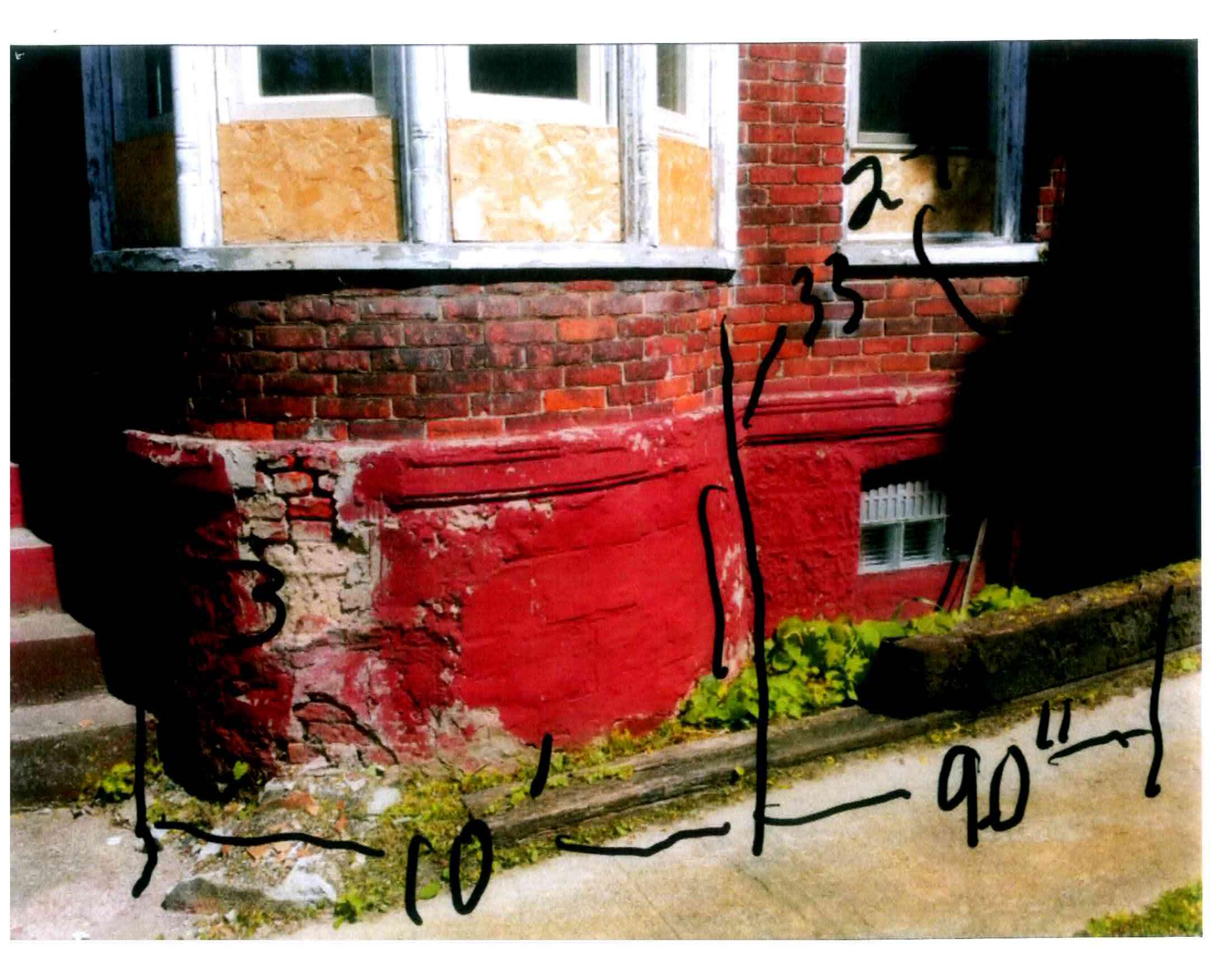
Dimensions to Finishes/Windows











10

35

90"

2



303







06.18.2014 15:28











06.18.2014 15:29



06.18.2014 15:32



06.18.2014 15:32



