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April 25, 2013

Ken Bonney
Village of Elberta Zoning Administrator
151 Pearson St.
Elberta, MI 49628-0008

RE: Loy Putney, Elberta School Apartments, 1561 S. Scenic Highway, Village of Elberta

Dear Mr. Bonney and Planning Commission Members:

Mr. Loy Putney is in receipt of the Planning Commission's prior correspondence with a comprehensive list of additional questions/alleged requirements that they would like answered prior to the May 7th continued Planning Commission Meeting. As addressed in our prior letter to Mr. Roy, despite the fact that we feel the additional requests are irrelevant, the items of information requested are already existing or grandfathered in, they are only applicable to only a new site being excavated without an existing building or parking lot, or are they in the actual knowledge and possession of the Village--they are therefore simply calculated to delay and cause undue burden and expenses to Mr. Loy Putney. Although this is a clear intrusive use of the Planning Commission's authority, (i.e. a light touch of the police power, to quote Judge Batzer, is all that is allowed) Mr. Putney is making a diligent effort to provide or re-provide this information to you and the planning commission at the continued meeting.

As you are aware, the Court has ruled that it sees no reason that Mr. Putney cannot use this building as apartments, and stated that the Village may only determine reasonable restrictions on the apartments. As the Court stated, the Village is to act with all due deliberate speed in determining reasonable restrictions. Accordingly, Mr. Putney is requesting preliminary approval of his Special Use Permit pending the planning commission's action on the Site Plan, determining what if any restrictions they determine are reasonable restrictions on the Site Plan--while acting in all due deliberate speed. In the meantime, the portion of the building occupied has met the State's safety requirements and there is no health or safety concerns to the occupants, or for that matter, to the surrounding community; therefore, moving forward in this manner allows the Village to timely decide what reasonable restrictions are appropriate and amicably resolve this only remaining issue.

Nothing in writing this letter shall be meant to waive any defenses under the zoning ordinance or under the applicable zoning map classifying or not classifying the property when originally purchased.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bradley L. Putney', written over a large, stylized flourish.

Bradley L. Putney

cc: Ed Roy
Loy Putney