

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF BENZIE

LOY F. PUTNEY,

Appellant,

v.

File No. 12-9460-AA

Hon. James M. Batzer

VILLAGE OF ELBERTA,

Appellee.

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Bradley L. Putney (P50980)  
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**ORDER CONCERNING APPELLANT'S CLAIM OF APPEAL**

Held in said session of the Circuit Court for the County of Benzie  
this \_\_\_\_ day of \_\_\_\_\_, 2013.

PRESENT: HONORABLE JAMES M. BATZER, CIRCUIT COURT JUDGE

The Appellant having filed a Claim of Appeal; and the parties having filed/served Briefs  
in Support of and in Opposition to the Appeal; and the Court having conducted oral argument on  
January 4, 2013, and for the reasons stated on the record:

1. IT IS HEREBY ORDERED that the Zoning Board of Appeals' decision affirming

the Zoning Administrator's denial(s) is affirmed, except as set forth at paragraph

2.

2. IT IS FURTHER ORDERED that the Zoning Board of Appeals' decision concerning the Application for Special Use Permit is vacated.

3. IT IS FURTHER ORDERED that the entry of this Order is without prejudice as to Appellant's right under the Ordinance to submit an Application for approval of "apartments", and the Appellee shall act on any Application consistent with any deadlines set forth in the Zoning Ordinance.

4. IT IS FURTHER ORDERED that no costs or attorney fees are awarded because the Court resolved a public question.

This is a Final Order resolving the last pending issue in the case and closes the file.

Dated: \_\_\_\_\_

Hon. James M. Batzer, Circuit Court Judge

Approved as to form; notice of entry waived.

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Bradley L. Putney (P50980)  
Putney, Zayaz & Attwood  
Attorney for Appellant

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