

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
MARCH 30, 2022
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1. CALL TO ORDER

The meeting of the Superior Charter Township Zoning Board of Appeals was called to order by Chairman Dail at 7:00 p.m.

2. ROLL CALL

The Zoning Board of Appeals members present were Brennan, Craigmile, Dail, Heningburg, and Parm. Deeds and McKinney were absent. Rick Mayernik, Building Official, was also in attendance. A quorum was present.

3. ADOPTION OF AGENDA

A motion was made by Member Brennan and supported by Member Parm to adopt the agenda as presented. The motion carried.

4. APPROVAL OF MINUTES

A motion was made by Member Heningburg and supported by Member Brennan to approve the minutes of January 12, 2022. The motion carried.

5. CITIZEN PARTICIPATION

None.

6. COMMUNICATIONS

- Communication from Mike Spelman dated March 21, 2022, regarding the Secrest Nature Preserve.
- Communication from Shane Scherbarth dated March 24, 2022, regarding the Secrest Nature Preserve.
- Communication from Duane Scherbarth dated March 24, 2022, regarding the Secrest Nature Preserve.
- Communication from Daniel and Lorelei Coonce dated March 25, 2022, regarding the Secrest Nature Preserve.
- Communication from Joann Shay dated March 27, 2022, regarding the Secrest Nature Preserve.
- Communication from Drew and Danielle Reed dated March 30, 2022, regarding the Secrest Nature Preserve.
- Communication from Jack Smiley dated March 30, 2022, regarding the Secrest Nature Preserve.

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- Communication from W. Daniel Troyka dated March 29, 2022, regarding ZBA 21-05, 5766 Geddes Road.

A motion was made by Member Brennan and supported by Member Parm to receive and file the communications. The motion carried

7. PUBLIC HEARINGS AND CONSIDERATION OF APPEALS

A. ZBA 22-01 Secrest Nature Preserve

Variance from Section 8.06C1 (Design Requirements for Parking Areas) for a parking area proposed to be located in the front yard setback.

Jill Lewis, Executive Director at Southeast Michigan Land Conservancy (SMLC), discussed how much land has been preserved within the Township and noted that Secrest Nature Preserve was acquired in 2019.

Sara Steenbergh, Johnson Hill Land Ethics Studio, shared a presentation about the nature preserve. She explained that the required front yard setback is 75 feet; putting the parking lot 15 feet from the road right-of-way reduces the amount of disturbed vegetation by about half. Additional benefits include increased distance from a wetland area and creates an increased upland buffer. An increased upland buffer would help invasive species seeds that land on vehicles to not implant into the ecosystem.

Member Dail asked if there would be a gate at the entrance to the preserve that would be closed at night.

Ms. Lewis replied that there would not be a gate.

Zackary Coonce, 8265 Plymouth-Ann Arbor Road, shared concerns about increased traffic and dumping of trash along Berry Road. He questioned whether the parking lot could be placed along Ford Road. He feels other nature preserves in the area have smaller parking lots than the proposed size for Secrest Nature Preserve.

Member Dail asked how SMLC chose the location for the parking lot as well as the number of spaces.

Ms. Steenbergh stated that the location of the parking lot is necessitated by the building envelope that is part of the conservation easement, which is located off Berry Road. Regarding the number of spaces, Ms.

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Steenbergh noted that the other preserves have undersized parking lots. Their goal is to prevent visitors from parking on the road.

Drew Reed, 3701 Berry Road, stated that since the Secrest Nature Preserve opened, there has been an increase in traffic and garbage along the sides of Berry Road.

Danielle Reed, 3701 Berry Road, added that she has spoken to the Park Steward about the issues mentioned by Mr. Reed, and stated that the Conservancy tried to help, however, the issues remain.

Jack Smiley, Cherry Hill Road, urged the support of the proposed parking lot variance. Mr. Smiley noted the wetland and natural feature disturbances that can be avoided with the variance.

Member Dail explained that the function of the Zoning Board of Appeals is to hear the issue at hand, which is the parking lot variance.

Member Dail reviewed Section 13.08B of the Zoning Ordinance, Standards for Review.

A motion was made by Member Brennan and supported by Member Parm, to approve ZBA #22-01, a variance from Section 8.06C1 (Design Requirements for Parking Areas) for a parking area proposed to be located in the front yard setback.

Roll Call:

Yes:	Brennan, Craigmile, Dail, Heningburg, Parm
No:	None.
Absent:	None.
Abstain:	Deeds, McKinney.

The motion carried.

B. ZBA 22-02 8414 Joy Road - Green

Variance from Section 3.101 (Dimensional Standards) for an addition to the existing single-family dwelling in the front yard setback.

Mr. Green, the homeowner of 8414 Joy Road, explained that he would like to add a six-foot addition to the front of the home in order to expand the existing bathroom.

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The right-of-way in front of Mr. Green's home was discussed. It was determined that the widening of the right-of-way was created with the M-14 overpass

Member Dail reviewed Section 13.08B of the Zoning Ordinance, Standards for Review.

Motion by Member Brennan and supported by Member Parm to approve ZBA 22-02, a variance from Section 3.101 (Dimensional Standards) for an addition to the existing single-family dwelling in the front yard setback.

Roll Call:

Yes: Brennan, Craigmile, Dail, Heningburg, Parm
No: None.
Absent: None.
Abstain: Deeds, McKinney.

The motion carried.

8. OLD BUSINESS

A. ZBA #21-05 – 5766 Geddes Road - Schuster

Request for seven separate Zoning Ordinance interpretations and an appeal of the decision of the Township Zoning Administrator.

Member Dail explained the public hearing for this item was held on January 12, 2022, and Mr. Schuster gave a presentation to the Zoning Board of Appeals regarding at that time.

Member Dail read Zoning Ordinance Section 13.07: Interpretations.

Member Dail asked Mr. Schuster to discuss the appeal of the decision of the Township Zoning Administrator and the letter submitted by his counsel.

Mr. Schuster discussed the letter submitted by his counsel, W. Daniel Troyka, dated March 9, 2022. The letter submitted by Mr. Troyka was written in response to the memo written by Fred Lucas, Superior Township Attorney, dated March 15, 2022 which is included in the ZBA

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packet. A copy of the letter submitted by Mr. Troyka is on file with the Township.

Mr. Schuster explained that he is an “aggrieved party” to the situation. He reiterated safety issues at the site, including major excavation and the guard/fence on his property above the location for the retaining wall.

Member Dail asked when the retaining wall would be erected.

Mr. Mayernik stated he did not know.

Interpretation One:

Motion by Member Craigmile, supported by Member Brennan, that after reviewing the application for interpretation filed by Schuster and the documentation provided by Building Official Rick Mayernik, and after giving the Schusters and their attorney an opportunity to present their position to the entire Zoning Board of Appeals, the Zoning Board of Appeals adopts the interpretation provided by Mr. Mayernik for the reasons set forth in his memorandum dated December 21, 2021.

Roll Call:

Yes: Brennan, Craigmile, Dail, Heningburg, Parm.
No: None.
Abstain: None.
Absent: Deeds, McKinney.

The motion carried.

Interpretation Two:

Motion by Member Craigmile, supported by Member Parm, that after reviewing the application for interpretation filed by Schuster and the documentation provided by Building Official Rick Mayernik, and after giving the Schusters and their attorney an opportunity to present their position to the entire Zoning Board of Appeals, the Zoning Board of Appeals adopts the interpretation provided by Mr. Mayernik for the reasons set forth in his memorandum dated December 21, 2021.

Roll Call:

Yes: Brennan, Craigmile, Dail, Heningburg, Parm.

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No: None.
Abstain: None.
Absent: Deeds, McKinney.

The motion carried.

Interpretation Three:

Motion by Member Craigmile, supported by Member Brennan, that after reviewing the application for interpretation filed by Schuster and the documentation provided by Building Official Rick Mayernik, and after giving the Schusters and their attorney an opportunity to present their position to the entire Zoning Board of Appeals, the Zoning Board of Appeals adopts the interpretation provided by Mr. Mayernik for the reasons set forth in his memorandum dated December 21, 2021.

Roll Call:

Yes: Brennan, Craigmile, Dail, Heningburg, Parm.
No: None.
Abstain: None.
Absent: Deeds, McKinney.

The motion carried.

Interpretation Four:

Motion by Member Brennan, supported by Member Parm, that after reviewing the application for interpretation filed by Schuster and the documentation provided by Building Official Rick Mayernik, and after giving the Schusters and their attorney an opportunity to present their position to the entire Zoning Board of Appeals, the Zoning Board of Appeals adopts the interpretation provided by Mr. Mayernik for the reasons set forth in his memorandum dated December 21, 2021.

Roll Call:

Yes: Brennan, Craigmile, Dail, Heningburg, Parm.
No: None.
Abstain: None.
Absent: Deeds, McKinney.

The motion carried.

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Interpretation Five:

Motion by Member Brennan, supported by Member Parm, that after reviewing the application for interpretation filed by Schuster and the documentation provided by Building Official Rick Mayernik, and after giving the Schusters and their attorney an opportunity to present their position to the entire Zoning Board of Appeals, the Zoning Board of Appeals adopts the interpretation provided by Mr. Mayernik for the reasons set forth in his memorandum dated December 21, 2021.
Roll Call:

Yes: Brennan, Craigmile, Dail, Heningburg, Parm.
No: None.
Abstain: None.
Absent: Deeds, McKinney.

The motion carried.

Interpretation Six:

Motion by Member Craigmile, supported by Member Parm, that after reviewing the application for interpretation filed by Schuster and the documentation provided by Building Official Rick Mayernik, and after giving the Schusters and their attorney an opportunity to present their position to the entire Zoning Board of Appeals, the Zoning Board of Appeals adopts the interpretation provided by Mr. Mayernik for the reasons set forth in his memorandum dated December 21, 2021.

Roll Call:

Yes: Brennan, Craigmile, Dail, Heningburg, Parm.
No: None.
Abstain: None.
Absent: Deeds, McKinney.

The motion carried.

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Interpretation Seven:

Motion by Member Craigmile, supported by Member Parm, that after reviewing the application for interpretation filed by Schuster and the documentation provided by Building Official Rick Mayernik, and after giving the Schusters and their attorney an opportunity to present their position to the entire Zoning Board of Appeals, the Zoning Board of Appeals adopts the interpretation provided by Mr. Mayernik for the reasons set forth in his memorandum dated December 21, 2021.

Roll Call:

Yes: Brennan, Craigmile, Dail, Heningburg, Parm.
No: None.
Abstain: None.
Absent: Deeds, McKinney.

The motion carried.

Member Dail stated that as he understands the law, Mr. Schuster is not considered an aggrieved party.

It was noted that a permit has not yet been issued for the house nor the retaining wall at 5728 Geddes Road.

Additionally, Mr. Mayernik stated he will issue Zoning Compliance for the house, driveway, and retaining wall(s), collectively.

A motion was made by Member Dail and supported by Member Brennan that because the Appellants have not established that they are "aggrieved parties," this ZBA lacks jurisdiction to hear the appeal on this issue and must dismiss the appeal.

Roll Call:

Yes: Brennan, Craigmile, Dail, Heningburg, Parm.
No: None.
Abstain: None.
Absent: Deeds, McKinney.

The motion carried.

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9. OTHER BUSINESS AS NECESSARY

A. Election of Officers for 2022

A motion was made by Member Brennan and supported by Member Craigmile to postpone the 2022 Election of Officers.

10. ADJOURNMENT

A motion was made by Member Brennan and supported by Member Heningburg to adjourn the meeting at 9:10 p.m.

Respectfully submitted,

Doug Dail, Chairman Zoning Board of Appeals

Laura Bennett, Recording Secretary
Superior Charter Township
3040 N. Prospect, Ypsilanti, MI 48198