

**SUPERIOR CHARTER TOWNSHIP ZONING BOARD OF APPEALS
SUPERIOR TOWNSHIP HALL
3040 N. PROSPECT RD., YPSILANTI, MI 48198**

**AGENDA
Jan 14, 2026 - 7:00 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. DETERMINATION OF QUORUM
4. ADOPTION OF AGENDA
5. APPROVAL OF MINUTES
 - A. Approval of May 14, 2025, meeting minutes
6. CITIZEN PARTICIPATION
7. COMMUNICATIONS
8. PUBLIC HEARINGS AND CONSIDERATION OF APPEALS
 - A. ZBA #24-02: Appeal of Township Zoning Administrator Decision to Grant Certificate of Zoning Compliance – 5766 Geddes Road (Continuance)
9. OLD BUSINESS
10. NEW BUSINESS
 - A. Adoption of the 2026 Meeting Schedule
 - B. Election of Officers for 2026
11. ADJOURNMENT

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DRAFT MINUTES
FEBRUARY 27, 2025
PAGE 1 of 10**

1. CALL TO ORDER

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

2. ROLL CALL

The Zoning Board of Appeals members present were Brennan, Smith, Greene, Winslow, and Gilbreath. None were absent. Diane Mulville-Friel, Planning & Zoning Administrator, Ben Carlisle, Township Planner, and Fred Lucas, Township Attorney, were also in attendance.

3. DETERMINATION OF QUORUM

A quorum was present. Member Winslow offered to serve as interim secretary.

4. ADOPTION OF AGENDA

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

5. APPROVAL OF MINUTES

A motion was made by Member Greene and supported by Member Winslow to adopt the minutes from the April 8, 2024, as presented. The motion carried.

6. CITIZEN PARTICIPATION

Chair Brennan called for Citizen Participation. There was none.

7. COMMUNICATIONS

Chair Brennan called for the approval of all communications submitted.

- Correspondence received from Matt Schuster regarding an Emergency Vehicle Incident Report (date 4/22/21) involving 5728 Geddes (ZBA#24-02)
- Memorandum received from Adam Behrendt the attorney representing the Moulieres (dated 3/28/24)

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DRAFT MINUTES
FEBRUARY 27, 2025
PAGE 2 of 10**

Motion by Member Smith, supported by Member Winslow to accept the communications. The motion carried.

8. PUBLIC HEARINGS AND CONSIDERATION OF APPEALS

- A. ZBA #24-03: Accessory Structure Variance - 7486 Plymouth - Ann Arbor Road

Chair Brennan called for a motion to open public hearing.

Motion by Member Winslow to open public hearing. Member Greene seconded. The motion carried.

Chair Brennan called for the applicant to petition their request for a variance.

Kelly Carter, applicant, was present to explain the petition and need for a variance from Section 3.101 (Dimensional Standards) to allow for an attached accessory structure to be constructed in the front yard setback. The property is located at 7486 Plymouth-Ann Arbor Road (J-10-09-200-023) and is zoned R-2 (Single-Family Residential). She provided additional background on the property and explained the unique conditions and circumstances that exist due to the proximity of the road and shoreline of Frain Lake. She indicated that the literal interpretation of the setbacks would deprive the rights commonly enjoyed by others in the same district.

Chair Brennan called for a motion to close the public hearing. Motion by Member Smith to close the public hearing. Member Greene seconded. The motion carried.

Chair Brennan reviewed the Standards for Review set forth in section 13.08B1-5 of the Zoning Ordinance are met. Chair Brennan called for a motion to approve or deny the request.

Motion by Member Smith, supported by Member Gilbreath to approve a variance from Section 3.101 (Dimensional Standards) to allow for an attached accessory structure to be constructed in the front yard setback for property located at 7486 Plymouth Road (ZBA #24-03).

Roll Call Vote:

Yes: Brennan, Smith, Greene, Winslow, Gilbreath

No: None.

Absent: None

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DRAFT MINUTES
FEBRUARY 27, 2025
PAGE 3 of 10**

Abstain: None.

The motion carried.

B. ZBA #24-02 - 5766 Geddes Road – Schuster Appeal

Chair Brennan called for a motion to open public hearing.

Motion by Member Smith to open public hearing. Member Greene seconded. The motion carried.

Chair Brennan called for the applicant to petition their request to reverse an appeal of an administrative decision.

Mr. Gaëtan Gerville-Réache, the lawyer of the Schuster's, began with opening remarks. He provided background on the case and indicated that previous disputes and court cases on whether the Moliere's (5728 Geddes Road) were legally allowed to construct a 12 foot deep trench and retaining wall within the 66 ft wide access easement that runs across the Schuster's property (5766 Geddes Road).

Gerville-Réache explained that the permit and accompanying Certificate of Zoning Compliance submitted to build the retaining wall in the easement was not signed by the Schuster's as required. The case went before the Washtenaw County Circuit Court and the Court issued an order that the Township may accept a building permit application signed by the Moliere's (or their representative) in lieu of an application signed by the Schuster's. He explained that the court's decision is being appealed and is not the subject of this ZBA case tonight. The reason for the ZBA case tonight is primarily driven by concerns regarding safety of emergency vehicle access.

Mr. Gerville-Réache then claimed that the judge never ordered that the permit be approved by Superior Township, but rather that Superior Township could accept the application from the Moliere's without the approval of the Schusters.

Mr. Gerville-Réache argued that the Certificate of Zoning Compliance and associated plot plan that was submitted and signed by the Moliere's builder should not have been approved because it does not satisfy all requirements outlined in Section 1.07(J) and does not contain enough information to determine whether requirements of the zoning ordinance are being met.

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DRAFT MINUTES
FEBRUARY 27, 2025
PAGE 4 of 10**

Mr. Gerville-Réache continued by stating that the plot plan submitted with the Certificate of Zoning Compliance application was “woefully inadequate” and inaccurate in many respects especially with regard to whether the “driveway” can support emergency vehicles.

Mr. Gerville-Réache asked for Matthew Schuster to come up and relay a recent incident when a fire had actually occurred on the Mouliere’s property in 2021.

Mr. Schuster explained that he has lived at 5766 Geddes for past 21 years and that construction has been occurring in his yard and across his yard since 2019. There are steep slopes on the property and they have created the need to cut into them to provide access to the home that Mouliere’s are constructing.

Mr. Schuster said he is most concerned with emergency access and the potential for his home to be impacted if a fire were to occur and emergency vehicles could not get to the neighbor’s property. He said this very scenario occurred in 2021. At 10:00 pm a fire started on the construction site at the Mouliere’s property and when Fire Department personnel arrived, they had to assess the fire on foot because they could not access the property with the fire truck that was dispatched. The Fire Department then dispatched another smaller vehicle which eventually arrived and put the fire out. Mr. Schuster stated that this instance illustrates his concerns that the road/driveway is not constructed in a manner that allows emergency vehicles to access the parcel and safely traverse the site thus potentially placing his own home in danger if a fire were to occur again on the Mouliere’s property.

Mr. Gerville-Réache claimed that the Fire Department has not reviewed this application as required to determine whether the access is adequate. He again stated that the Schuster’s are requesting that the ZBA reverse the Zoning Administrator’s decision to approve the Certificate of Zoning Compliance based on the fact that it has not been reviewed by the Fire Department and does not have the information required to determine zoning compliance.

The ZBA deliberated and asked a questions of Mr. Gerville-Réache on the history of case with regard to the Court order that the permits be issued.

Fred Lucas, Township Attorney, then asked whether the Schuster’s were challenging the issuance of the building permit? Mr. Gerville-Réache stated that they are contesting the approval and issuance of the

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DRAFT MINUTES
FEBRUARY 27, 2025
PAGE 5 of 10**

Certificate of Zoning Compliance and whether that application contained the information necessary to determine compliance.

The ZBA members asked the Township Planner and current Zoning Administrator for further clarification on what information was required to be submitted with a Certificate of Zoning Compliance application. Zoning Ordinance Section 1.07.J (Site Plan or Plot Plan) were recited.

Member Brennan said there is no specific mention of Fire Review. Ms. Mulville-Friel stated that item 1.07.J.5 is a “catchall” that allows the Zoning Administrator to request additional information as required by the Zoning Inspector (a.k.a. Administrator) for purposes of determining compliance with this Ordinance and that this could include a Fire Department review. Member Brennan said that the previous Zoning Administrator felt that the Certificate of Zoning Compliance application received did not require any additional information. Mr. Gerville-Réache stated that is exactly what we are challenging.

More questions and deliberation pursued.

Mr. Lucas again stated that the court’s order that the building application is to be approved. Mr. Carlisle stated that not only was the building permit to be approved but that the Certificate of Zoning Compliance being part of the permit was ordered to be approved. Mr. Lucas advised that the applicant get further clarification from the court to determine the intent of the court order.

Chair Brennan commented that it appeared that the ZBA may want to consider postponing a decision to allow the petitioner to obtain more clarification from the court.

Mr. Gerville-Réache asked for a short recess to consult with Mr. Schuster. A recess was granted by Chair Brennan.

The ZBA resumed after a 10 minute break and Mr. Gerville-Réache return to state that they have decided to get clarification from the court and then this should provide the ZBA with information on how to proceed.

Chair Brennan called for a motion to close the public hearing and postpone the action for ZBA #24-02.

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DRAFT MINUTES
FEBRUARY 27, 2025
PAGE 6 of 10**

Mr. Gerville-Réache, asked for permission to interject. Chair Brennan granted permission and Mr. Gerville-Réache said that he wanted to point out for the record that testimony on pages 77 and 78 of the ZBA application packet submitted notes that that Moulriere's engineer admitted that the driveway was not designed to support a 75,000 lb fire truck.

Chair Brennan again called for a motion to close the public hearing and postpone the action for ZBA #24-02.

Motion by Member Smith, supported by Member Greene to postpone a decision on whether to uphold or reverse the appeal of an administrative decision filed by the Schuster's (ZBA #24-02).

The ZBA's decision to postpone was conditioned that the applicant obtain clarification from the Washtenaw County Circuit Court that the "Order to Enforce Final Judgement" applied to approval of a certificate of zoning compliance as well as a "building permit.

Roll Call Vote:

Yes: Brennan, Smith, Greene, Winslow, Gilbreath

No: None.

Absent: None

Abstain: None.

The motion carried.

- C. ZBA #24-04: Request Appeal of Township Zoning Administrator Decision - 5766 Geddes Road Boundary Adjustment

Chair Brennan called for a motion to open the public hearing.

Motion by Member Green to open public hearing. Member Winslow seconded. The motion carried.

Chair Brennan called for the applicant to petition their request to reverse an appeal of an administrative decision.

Mr. Gaëtan Gerville-Réache, presented the case and said this issue arises out of the situation with the Moulriere's. Mr. Schuster has good relations with the other neighbors and to the east is willing to deed a strip of land that would provide Schuster's with access to the Huron River. Schuster submitted a boundary adjustment to include this 12 foot wide strip of

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DRAFT MINUTES
FEBRUARY 27, 2025
PAGE 7 of 10**

land and the request was denied based on an interpretation that minimum lot width requirements applied to both the water frontage and frontage along Geddes Road.

Mr. Gerville-Réache, argued that for a flag lot, the front building line is where lot width should be measured not the width of the lot where it meets the waterfront.

ZBA members asked what the purpose of the boundary adjustment and whether the neighbor (5800 Geddes) was agreeing to the proposal. Mr. Gerville-Réache, said it was Schuster's intent for their property to obtain direct access to the river and not have it be in an easement. He also noted that the

Mr. Carlisle noted there is a provision in the Zoning Ordinance under definitions it states that the front lot line of a parcel on a waterbody shall be the line fronting on the water. Basically, any portion of a lot that contacts the water means that the waterfront becomes the front lot line and front yard setbacks are applied to that waterfront line as well as minimum lot width requirements. Mr. Carlisle argued that the provision may be poorly written but that he believes it was written intentionally to not allow properties to access waterbodies by narrow strips of land. Negative issues arise when waterbodies are overloaded from keyhole access strips.

Mr. Carlisle noted that Schuster's were provided with an alternative option to have the boundary adjustment stop 10 feet short of the Huron River, thus their parcel would not actually become a waterfront lot.

Member Gilbreath stated that this would then mean the Schuster's would have to trespass the remaining 10 feet to access the river. Mr. Carlisle noted that Schuster's and neighbor (5800 Geddes) could agree to an easement for the remaining 10 feet. Mr. Gerville-Réache said that such an easement would not be desirable because Schuster's would then not directly control the land along the river. Mr. Schuster said the 12 foot wide strip of land is intended to provide his family with a walking path that accesses the water.

Member Gilbreath pointed out the vague language of the Zoning Ordinance has created confusion and is problematic. Mr. Carlisle again explained what he believes the intent of the Zoning Ordinance was to not overload waterbodies by permitting keyhole access points. If unchecked, proliferation of keyhole developments could dramatically alter the

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DRAFT MINUTES
FEBRUARY 27, 2025
PAGE 8 of 10**

appearance and quality of a lake, as well as lead to conflicts with adjoining property owners [e.g., excessive noise, damage to plants and animals, shoreline erosion, excess oil and gas entering the water, and even lower property values for adjacent waterfront lots].

No other substantive questions arose, and Chair Brennan called for a motion to close the public hearing.

Motion by Member Geene to close the public hearing. Member Winslow seconded. The motion carried.

Chair Brennan stated the standards of Section 13.06.6 of the Zoning Ordinance and noted that the ZBA may reverse an administrative decision only upon determining that the order, requirement, decision or determination constituted an abuse of discretion; was arbitrary or capricious; or was based upon an erroneous finding of a material fact or an erroneous interpretation of the Zoning Ordinance.

Chair Brennan called for a motion to UPHOLD or REVERSE the administrative decision.

Motion by Member Gilbreath, to REVERSE the administrative decision and approve the appeal filed by the Schuster's (ZBA 24-04), on the basis that the Superior Township Zoning Administrator's denial of the Certificate of Zoning Compliance application dated September 12, 2024, was based on an erroneous interpretation of the Zoning Ordinance.

Member Greene seconded.

Roll Call Vote:

Yes: Brennan, Greene, Winslow, Gilbreath

No: Smith

Absent: None

Abstain: None.

The motion carried.

Chair Brennan explained that the ZBA needed to decide to REVERSE the decision, in accordance with one of the following:

(1) Reverse or affirm wholly or in part;

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DRAFT MINUTES
FEBRUARY 27, 2025
PAGE 9 of 10**

(2) Modify the order, requirement, decision, or determination appealed from; or

(3) Make such order, requirement, decision, or determination as ought to be made, and may issue or direct the issuance of a permit.

Motion by Member Gilbreath that the decision should have been made to approve the issuance of the boundary adjustment.

Member Winslow seconded.

Roll Call Vote:

Yes: Brennan, Greene, Winslow, Gilbreath

No: Smith

Absent: None

Abstain: None.

The motion carried.

9. OLD BUSINESS

None

10. OTHER BUSINESS AS NECESSARY

A. Adoption of the 2025 Meeting Schedule

Member Smith made a motion to adopt the 2025 ZBA Meeting Schedule. Member Gilbreath seconded. The motion carried.

B. Election of Officers for 2025

(1) Member Greene made a motion to appoint Thomas Brennan as Chair for 2025. Member Greene seconded.

Roll Call Vote:

Yes: Smith, Greene, Winslow, Gilbreath, Brennan

No: None

Absent: None

Abstain: None.

The motion carried.

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DRAFT MINUTES
FEBRUARY 27, 2025
PAGE 10 of 10**

The motion carried.

- (2) Greene made a motion to appoint Rachael Smith as Vice Chair for 2025. Member Winslow seconded. The motion carried.

Yes: Smith, Greene, Winslow, Gilbreath, Brennan

No: None

Absent: None

Abstain: None.

The motion carried.

- (3) Member Smith made a motion to appoint Meghan Winslow as Secretary for 2025. Member Greene seconded. The motion carried.

Yes: Smith, Greene, Winslow, Gilbreath, Brennan

No: None

Absent: None

Abstain: None.

The motion carried.

10. ADJOURNMENT

Motion by Member Greene to adjourn the meeting. All member's agreed and the meeting adjourned at 9:00 PM

Respectfully submitted,

Thomas Brennan, III, Chair

Diane Mulville-Friel, Recording Secretary
Superior Charter Township
3040 N. Prospect, Ypsilanti, MI 48198



Warner Norcross + Judd LLP

October 24, 2025

Via Email

Zoning Board of Appeals
c/o Frederick Lucas
Superior Township
3040 North Prospect
Superior Township, Michigan 48198

Re: **5766 Geddes Road Appeal—Judge Van den Bergh Confirms the Court’s December 18, 2023 Order Does Not Order the Township To Do Anything**

Dear Zoning Board of Appeals:

At this Board’s request, the Schusters requested clarification from the Washtenaw County Circuit Court of its December 18, 2023 Order in an easement dispute between the Schusters and the Moulieres next door, where the Township was not a party. The order (attached to this letter) states in full:

WHEREAS, this matter comes before the Court following the Court’s entry of its “Order to Enforce Final Judgment,” dated November 30, 2023. That order states, in relevant part:

[I]n the event that Defendants/Counter-Plaintiffs refuse to cooperate in the permitting process and to sign any necessary documents, Plaintiffs/Counter-Defendants may present an order to the Court for Court approval of an application for a building permit, a variance, or other zoning relief, and the Court will enter an order such that it can be provided to the Township in lieu of a document signed by Defendants/Counter-Plaintiffs.

Plaintiffs/counter-plaintiffs Jean-Marie L. Moulriere and Ingrid D. Moulriere (collectively, “Moulieres”) have asked defendants/counter-plaintiffs Matthew A. Schuster and Alyssa L. Cairo (collectively, “Schusters”) to sign the building permit application attached as Exhibit A so they may complete the

construction at issue in this case. **The Schusters have refused to sign the building permit application.**

AND WHEREAS, the Schusters agree that the form of this Order complies with the Court's rulings, and approve the form of the Order only, and the Schusters restate their previous objections to the issuance of the permit.

NOW, THEREFORE, having been so advised, the Court hereby orders as follows:

IT IS HEREBY ORDERED that, the building permit application attached hereto as Exhibit A is approved and that **Superior Township may accept and rely upon this order in lieu of a document signed by the Schusters; [Id. (emphasis added).]**

As recapped further below, the Township asked the Schusters to seek clarification from the Court that this order does not command the Township to grant the Moulieres a permit but instead merely allows the Township to accept the Moulieres' application without a signature from the Schusters (contrary to the Township's ordinance) and process it like any other application. At the hearing on the Schusters' motion for clarification, the judge said the following:

THE COURT:· I mean, I don't even -- I mean, the Township isn't even in this case.

* * *

They're not a party.· So how would my order or Judge Connor's order, but whatever, this court's order, have authority over the Township?· To me, it seemed like the order was just ... that there was -- I guess, Mr. Schuster -- Mr. Schuster not signing off on the building permit.· The issue is that that wouldn't hold up issuance of the permit.· That was the purpose.

THE COURT:· Let the Township file something.· I mean, like, rope them in....· I mean, the Township didn't intervene.

So it says, in the event that defendant/counter-plaintiffs refuse to cooperate in the permitting process and to sign any necessary documents, plaintiffs/counter-defendants may present an order to the court for court approval of an application for building permit, a variance or other zoning relief and the court will enter an order such that it can be provided to the Township in lieu of a document signed by defendant/counter-plaintiffs.· **It doesn't seem unclear to me**

that they're saying that they don't need their signature to proceed. [2025-08-27 Hr'g Tr.]

Ultimately, the judge decided not to clarify the order and denied the motion because she was uncertain about the effect of the pending appeal, saying:

I am not doing anything with this order. Let the Court of Appeals weigh in. The order seems clear enough to me.

The judge's reasoning, however, provides all the confirmation the Township needs that this order does not command the Township what to do with the application. It simply allows the Township to "accept it and rely" on the order as if it were an application signed by the Schusters. In case the rest of the transcript is of interest, it is enclosed with this letter.

ADDITIONAL BACKGROUND

For those on the Board who are new to this issue, or need a recap, here is the background for this dispute.

In September 2023, the Court entered a ruling that the Moulieres' easement rights include carving a trench up to 12 feet deep through the Schusters' property to access their property (hence the need for retaining walls). In that order the Court also initially ordered the Schusters, "to sign any necessary documents, including a permit application" to facilitate the driveway. (09.07.2023 Judgment.) When the Schusters argued that compelling their endorsement of the Moulieres' representations to the Township in the application violated the Schusters' First Amendment right against compelled speech, the Court issued a new order stating:

[I]n the event that [the Schusters] refuse to cooperate in the permitting process and to sign any necessary documents, [the Moulieres] may present an order to the Court for Court approval of an application for a building permit, a variance, or other zoning relief, and the Court will enter an order such that it can be provided to the Township in lieu of a document signed by [the Schusters]. (11.30.2023 Order to Enforce Final Judgment.)

The Moulieres later presented applications for a building permit and a certificate of zoning compliance for "completion of retaining wall, driveway and possible fence or handrail and top of retaining wall" on the Schusters' property, but the Schusters refused to sign them because they did not agree that they complied with the Township's zoning ordinance. Per the Court's last order, the Moulieres then presented the applications to the Court for an order permitting them to submit the application to the Township without the Schusters' signature. On December 18, the Court ordered that "the building permit *application* ... is approved" and that the "Township may accept and rely upon this order *in lieu of a document signed by the Schusters.*" (12.18.2023 Order (emphases added).)

The Moulieres' counsel nevertheless submitted a memorandum representing that "the Planning and Zoning Administrator was *ordered* by the Washtenaw County Circuit Court to approve the applications for the building permit and certificate of zoning compliance via the [December 18, 2023] Order," and that a refusal by the Township to approve the applications "would have been in violation of the binding Order." (3.28.2024 Bodman Memo (emphasis added).) Counsel for the Moulieres then doubled down at the April hearing, insisting "there is no confusion on the language used in the order from the Washtenaw County judge – Superior Township MUST approve the application." (4.08.2024 ZBA Meeting Minutes 4.)

The Schusters responded that the December 18, 2023 Order did not *require* the Township to approve the applications but merely authorized the Township to "accept the application from the [Moulieres] without the approval of the Schusters." (*Id.* at 2.) Member Devereaux expressed her belief that the December 18, 2023 Order did not require the Township "to approve the application as it currently stands" but rather permitted the Township "to approve the application in lieu of a signed document from the [Schusters]." (*Id.* at 3.) But the ZBA tabled a final determination on the appeal "pending contact via email with Laura Bennett, former Planning & Zoning Administrator, for further comment." (*Id.* at 5.) It is the Schusters' understanding that the Township reached out to Ms. Bennett but received no comment from her.

In the subsequent meeting of the ZBA, on February 27, 2025, counsel for the Schusters reiterated their position. But the Township's counsel advised the ZBA that clarifying the proper interpretation of the Order from the Court would help resolve the issue. The Schusters agreed to obtain clarification of the Court's Order, to which the ZBA said it would defer.

At the hearing before Judge Van den Bergh, the Moulieres' counsel did not disagree with the judge's understanding of the order, nor did he reiterate the position taken before this Board. He avoided the issue by instead impugning the Schusters' motives, rehashing past proceedings, and complaining about the Schusters' burdensome insistence that the Moulieres' comply with the law.

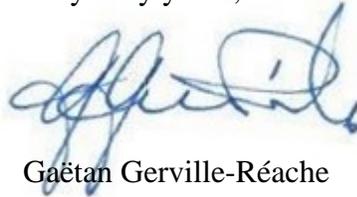
CONCLUSION

For all of these reasons, we respectfully request that the ZBA review the certificate of zoning compliance just as it would any other certificate of zoning compliance that came up on appeal—based on the merits of the Moulieres' application. The Moulieres' March 28, 2024 response to the Schusters appeal did not rebut any of the points made in the Schusters earlier briefing, which showed why the Moulieres' application does not satisfy the zoning ordinance's requirements. They instead just avoided the issue, the same way they avoided the issue that was before the Circuit Court. The Moulieres' silence on the actual merits of their application speaks volumes about the zoning administrator's error in approving it.

The access drive and retaining walls never received review for safety, emergency access, nor zoning compliance as a matter of record. Significantly, members of the Board have already rightly observed that the application does not comply with the zoning ordinance. (4.08.2024 ZBA Meeting Minutes 5.) The Schusters only ask that township procedures be followed, especially

given the inherent emergency access risks and fire response delay experiences already recorded. The Township should not bypass its ordinance and procedures of the zoning enabling act, and certainly has not en ordered to do so by the court. At the vey least, the Township should remand the application for proper zoning administrative review, given the risks discussed above.

Very truly yours,



Gaëtan Gerville-Réache

Attachment

33245962

CHARTER TOWNSHIP OF SUPERIOR WASHTENAW COUNTY, MICHIGAN

March 11, 2025

Matthew Schuster
5766 Geddes Road
Ann Arbor, MI 48105 2025

Via email

Dear Mr. Schuster:

The Superior Township Zoning Board of Appeals took the following action at their meeting held on February 27, 2025:

Motion by Member Smith, supported by Member Greene to **postpone** a decision on whether to uphold or reverse the appeal of an administrative decision filed by the Schuster's (ZBA #24-02). The appeal states several reasons why the Zoning Inspector committed error of law and/or fact in granting a certificate of zoning compliance on December 19, 2023, in association with a building permit requested by Daniel Snyder for construction on 5766 Geddes Road. The appeal states that the Zoning Inspector's decision should be reversed.

The ZBA's decision to postpone was made after the applicant agreed to seek clarification from the Washtenaw County Circuit Court that the "Order to Enforce Final Judgement" signed by Hon. Timothy P. Connors, Circuit Court Judge on November 30, 2023 (Case No. 20-001274-CH) applied to approval of a certificate of zoning compliance as well as a "building permit, a variance, or other zoning relief" as stated in said order. The motion carried.

If you have any questions about this process, please feel free to contact me.

Sincerely,

Diane Mulville-Friel
Planning & Zoning Administrator
planning@superior-twp.org
734-482-6099

Cc: Attorney Gerville-Reache, Gaetan greache@wnj.com
Supervisor Emily Dabish Yahkind edy@superior-twp.org
Clerk Angela Angela Robinson arobinson@superior-twp.org
Ben Carlisle, Carlisle Wortman Associates
Frederick Lucas fred@castleberrylucas.com

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

JEAN MARIEL MOULIERE, et al.,
Plaintiffs,

Case No. 20-001274-CH

v.

Hon. Tracy Van den Bergh

MATTHEW SCHUSTER, et al.,
Defendants.

Proceedings taken before
The Honorable Tracy Van den Bergh
Taken at 101 East Huron Street
Ann Arbor, Michigan
Commencing at 2:51 p.m.
August 27, 2025
Transcribed by Carolyn Grittini, CSR-3381

Fortz Legal Support
www.FortzLegal.com
844.730.4066

FORTZ
Legal

FORTZ
Legal

1 STATE OF MICHIGAN

2 IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

3
4 JEAN MARIEL MOULIERE, et al.,

5 Plaintiffs,

6 Case No. 20-001274-CH

7 v.

Hon. Tracy Van den Bergh

8
9 MATTHEW SCHUSTER, et al.,

10 Defendants.

11
12 _____
13 Proceedings taken before

14 The Honorable Tracy Van den Bergh

15 Taken at 101 East Huron Street

16 Ann Arbor, Michigan

17 Commencing at 2:51 p.m.

18 August 27, 2025

19 Transcribed by Carolyn Grittini, CSR-3381
20
21
22
23
24
25

1 **APPEARANCES:**

2

3 **J. ADAM BEHRENDT**

4 **Bodman, PLC**

5 **201 W. Big Beaver Road**

6 **Suite 500**

7 **Troy, Michigan 48084**

8 **248.743.6068**

9 **Appearing on behalf of the Plaintiffs.**

10

11 **GAETAN GERVILLE-REACHE**

12 **Warner Norcross + Judd**

13 **150 Ottawa Ave. NW**

14 **1500 Warner Building**

15 **Grand Rapids, Michigan 49503**

16 **616.752.2000**

17 **Appearing on behalf of the Defendants.**

18

19

20

21

22

23

24

25

1 Ann Arbor, Michigan

2 August 27, 2025

3 2:51 p.m.

4

5 COURT CLERK: We are on the record in case 20-1274-
6 CH. Jean Mariel Mouliere vs. Matthew Schuster.

7 MR. BEHRENDT: Good afternoon, Judge. It's been a
8 while.

9 THE COURT: It has. Good to see you. How are you?

10 MR. GERVILLE-REACHE: Good afternoon, Your Honor.
11 Gaetan Gerville-Reache on behalf of Matt Schuster.

12 THE COURT: All right. Good to see you. All right.
13 So this is your motion, council. I did read it. I guess, to
14 me -- first of all, I didn't preside over this case. I
15 understand it's my case now, but to me, it doesn't seem unclear.

16 MR. GERVILLE-REACHE: I don't think it's unclear
17 either. I think it's very clear that this was an application
18 that the court approved in lieu of Mr. Schuster. And unless Mr.
19 Schuster gets to grant himself permits under the zoning
20 ordinance and permits under the building code, this doesn't
21 stand in place of a permit, which is what the other side is now
22 arguing.

23 What they're basically saying is, and I think this is
24 a very dangerous play, is that they can escape regulatory
25 oversight from the Township because of this court order, and the

1 Township doesn't get to review it, it doesn't get to decide
2 whether or not this application should be granted because the
3 court already gave them a permit.

4 THE COURT: Is that correct? Is that what you're--

5 MR. BEHRENDT: No, Judge. I'm not saying that.

6 THE COURT: I don't think that's what it said in
7 their brief.

8 MR. GERVILLE-REACHE: Oh, well, let me quote it.

9 THE COURT: I mean, I don't even -- I mean, the
10 Township isn't even in this case.

11 MR. BEHRENDT: That's the point.

12 THE COURT: They're not a party. So how would my
13 order or Judge Connor's order, but whatever, this court's order,
14 have authority over the Township? To me, it seemed like the
15 order was just -- the issue was -- again, I didn't read the
16 whole file, I looked at the briefs and went back a little bit,
17 but the issue was that there was -- I guess, Mr. Schuster -- Mr.
18 Schuster not signing off on the building permit. The issue is
19 that that wouldn't hold up issuance of the permit. That was the
20 purpose. Is that --

21 MR. GERVILLE-REACHE: That was the purpose. But what
22 happened is that at the ZBA hearing, they told the ZBA that, and
23 I'm quoting here from the transcript, "the Planning and Zoning
24 Administrator was ordered by the Washtenaw County Circuit Court
25 to approve the applications for the building permit and

1 certificate of zoning compliance."

2 There's nothing in -- as you said, they're not even a
3 party. How can they say that these order the Township to do
4 anything? And then on top of that, you know, they don't even
5 repeat that argument in their response to our motion. Their
6 argument now, and it's one line and they don't even explain it
7 really, is, the court properly found that an alleged nuisance,
8 per se, could be eliminated or nullified by issuing required
9 permits and in ruling on the party's equitable claims, it had
10 broad discretion to order such relief.

11 So now they're saying that the court issued a permit.
12 And they cite the authority for this the court's orders. That's
13 what they cite. And then no explanation whatsoever as to what
14 that means, but they're just citing that. We're only here
15 because the Township asked us to be. We had ZBA members who
16 were on -- who agreed with us that that's not what the court is
17 ordering, but Township counsel is not comfortable with the
18 Township being in the middle of this, because the Moulieres'
19 counsel -- file something.

20 THE COURT: Let the Township file something. I mean,
21 like, rope them in. I don't know. Like, even if I issue an
22 order today, I don't like this whole idea of like -- you know, I
23 don't know what the Township is thinking. Let me look at this
24 again. I mean, the Township didn't intervene.

25 So it says, in the event that defendant/counter-

1 plaintiffs refuse to cooperate in the permitting process and to
2 sign any necessary documents, plaintiffs/counter-defendants may
3 present an order to the court for court approval of an
4 application for building permit, a variance or other zoning
5 relief and the court will enter an order such that it can be
6 provided to the Township in lieu of a document signed by
7 defendant/counter-plaintiffs. It doesn't seem unclear to me
8 that they're saying that they don't need their signature to
9 proceed.

10 MR. GERVILLE-REACHE: And I haven't seen any argument
11 that our request for clarification is wrong. I haven't seen an
12 argument that these two points that we asked the court to issue
13 to clarify for the parties and the Township and what this order
14 means, that those are wrong. There's no argument here about
15 that. Their arguments are that --

16 THE COURT: Well, you agree on what this order says?

17 MR. BEHRENDT: I do not. I'd like to be heard.

18 THE COURT: Yeah, sure. Go ahead.

19 MR. BEHRENDT: Judge, the facts you don't have --

20 THE COURT: I know.

21 MR. BEHRENDT: Let me give them to you because I
22 think you'll get a sense real quickly what's going on. This is
23 the fourth attorney I've dealt with on this file. This file has
24 gone on for five years. There was four preliminary injunction
25 hearings. We had a four-day trial. Judge Connors issued an

1 11-page single-spaced opinion. There was a judgment. If you
2 wanted to scare Judge Connors today, you would put this case in
3 his bed. It would wake him up.

4 The Schusters do not want this house built, which is
5 now fully framed, if you're turning into the interior.
6 Ultimately, Judge Connor went through at great lengths to talk
7 about the broad equitable powers of this court and to permit
8 this court to -- ultimately to rule that this house could be
9 built, the pathway could be built and the boardwalk moved. This
10 case is now on appeal.

11 THE COURT: I saw that.

12 MR. BEHRENDT: Yep. 7.208 respectfully divests this
13 court of jurisdiction. This isn't the only case on appeal,
14 Judge. There's no less than 12 ZBA interpretations, requests
15 from somebody who just doesn't seem to want to get it. So
16 respectfully, the court can't make a ruling at this point
17 because of the authority we do cite. I do say the motion is
18 wrong. And ultimately, the order stands for the proposition,
19 the judgment stands for the proposition that the house could be
20 built. They want to keep going back and do this ticky-tack
21 approach to everything, and it's the Township which supervises
22 its building code. It's the Township that reviews its permit
23 process. If we weren't in compliance with the Township, the
24 Township would red tag us. Trust me, he's asked us to be red
25 tagged. For a while, he was going out there all the time. Of

1 course, the Township doesn't want to be involved with him. I
2 mean, this case borders on mania, Judge. And ultimately, this
3 house will stand, and they can call it a mansion and they can
4 disparage my clients and say all these things. Okay. My
5 clients are just trying to, as Judge Connors said, trying to
6 move on with their lives. Permitting them at this point to now
7 come at -- modify this order, then use that as a weapon to some
8 type of an attempt to stop the construction, it should be
9 denied, Judge. There's no authority for it. And the order is
10 clear as written. And if the Township had an issue, the
11 Township would intervene. Fred Lucas knows this case, the
12 Township attorney, like the back of his hand.

13 THE COURT: All right. Yes?

14 MR. GERVILLE-REACHE: Your honor, I haven't had a
15 chance to respond to his response to my motion.

16 THE COURT: Well, usually it's just one and one, but
17 sure, go ahead.

18 MR. GERVILLE-REACHE: He wanted to tell us, you know,
19 that he disagreed with what the court just -- the court's
20 interpretation you just gave and he didn't say anything about
21 it. He said nothing about what that order means. He said the
22 judgment means they can build their house. What does the
23 language in that order mean. He doesn't disagree with you. But
24 when they were in front of the ZBA, he said the opposite. He
25 said it ordered the ZBA to grant a permit. That's what he said.

1 Now the response is, well, you complain too much; you
2 try to use the process too much to get relief. And this
3 jurisdictional argument is bogus. The claim of appeal was
4 pending when this order was entered. This order is a post-
5 judgment order. If the court didn't have jurisdiction to
6 clarify it now, then it didn't have jurisdiction to enter it
7 when it was entered after the appeal was pending. It's the
8 same -- we're in the same posture we were in when that court
9 order was entered, and they are the reason why we had to come
10 here and to request clarification because of the argument they
11 made to the ZBA, making the ZBA uncomfortable with doing its
12 job, with just reviewing the application and making a decision
13 on it. They think this court took their power away, took away
14 regulatory oversight from them and issued a permit. And they
15 repeat that in their response to our motion. So they're the
16 reason that we're here.

17 MR. BEHRENDT: Where is the ZBA? The last ZBA
18 hearing that I attended was in the wintertime. This is a 22-
19 month old issue. Judge, I wrote the order. I know what the
20 order says. I think the court can read the order and interpret
21 the plain language of it. I also don't think the appeal was
22 pending when we had to do that, because we were moving very
23 quickly. Then this attorney was hired, other attorney no longer
24 was involved and we're back in this chaos. I've got --
25 literally, I've got appellate briefing like this. It's insane.

1 THE COURT: I suspect. Okay, I'm not doing anything
2 today. I am going to rely on MCR 7.208, that after a claim of
3 appeal is filed, relieve to appeal is granted, the trial court
4 tribal may not set aside or amend the judgment or an order
5 appealed from.

6 At this point, the order says what it says. I was
7 not the presiding judge on the case. There was full evidentiary
8 hearing that the Court of Appeals is going to look at the
9 transcripts. If the Township is so upset by the order, let them
10 come in here and tell me, or you can -- you know, I suppose they
11 could -- I don't know what they could do. Maybe file a DEC
12 action. But at this point, I am not going to touch the order
13 until it comes back down from the Court of Appeals. So I'm
14 denying the motion.

15 MR. BEHRENDT: Thank you, Judge.

16 MR. GERVILLE-REACHE: Your Honor?

17 THE COURT: Yes.

18 MR. GERVILLE-REACHE: This order isn't in the Court
19 of Appeals. This order is not --

20 MR. BEHRENDT: It's a final order, Judge.

21 MR. GERVILLE-REACHE: No, we're not talking about a
22 final order.

23 THE COURT: What do you mean? So you didn't
24 appeal --

25 MR. GERVILLE-REACHE: This order was not appealed.

1 THE COURT: This is a non-appeal, this order?

2 MR. BEHRENDT: This entire -- the entire judgment,
3 entire verdict is all on appeal.

4 MR. GERVILLE-REACHE: Your Honor, the appeal was
5 filed September 2023.

6 THE COURT: Okay. Was that after the opinion and
7 order issued by Judge Connors?

8 MR. GERVILLE-REACHE: Yes. And this order came two,
9 three months later.

10 THE COURT: So was this the order --

11 MR. BEHRENDT: Judge, if that's his approach, then
12 it's a motion for reconsideration, is what it is, and it's
13 untimely. I mean, the case law says final orders of the court.
14 That order from Judge Connors says it's a final order. They
15 didn't appeal it, but now they want you to modify it.

16 THE COURT: Transcript. Transcript. Transcript.
17 Well, the whole record went up to the court at the appeals on
18 April 29, 2024, including this order has gone up. There was an
19 order for a final judgment. Transcript. Day one of bench
20 trial.

21 MR. GERVILLE-REACHE: There should be a notice that a
22 claim of appeal was filed in the record. That would indicate it
23 was filed on September 27th, 2023.

24 THE COURT: Yeah. Notice of filing of affidavit,
25 motion for stay. I'm looking. Is a claim of appeal filed after

1 the bench trial?

2 MR. GERVILLE-REACHE: Yes, after the final judgment
3 was entered in September, we had 21 days to file an appeal. It
4 was entered September 27th. We filed our appeal on September
5 27th.

6 THE COURT: The decision of the court that resulted
7 in this order was appealed, is that what you're telling me?

8 MR. GERVILLE-REACHE: Correct.

9 THE COURT: But this actual order was never appealed.
10 And we're way past the appellate point anyway. If that's the
11 case, you'd have to go up on a delayed app for leave.

12 MR. GERVILLE-REACHE: Correct.

13 THE COURT: So I am not doing anything with this
14 order. Let the Court of Appeals weigh in. The order seems
15 clear enough to me.

16 MR. GERVILLE-REACHE: Thank you, judge.

17 THE COURT: Thank you. Motion is denied.

18 MR. BEHRENDT: Thank you Judge. We'll prepare an
19 order.

20 (Proceedings concluded at 3:06 p.m.)

21

22

23

24

25

1

11-page 7:1

12 7:14

2

20-1274- 3:5

2023 11:5,23

2024 11:18

2025 3:2

21 12:3

22- 9:18

27 3:2

27th 11:23 12:4,5

29 11:18

2:51 3:3

3

3:06 12:20

7

7.208 7:12 10:2

A

about 6:14 7:7 8:20,21 10:21

action 10:12

actual 12:9

Administrator 4:24

affidavit 11:24

after 9:7 10:2 11:6,25 12:2

afternoon 3:7,10

again 4:15 5:24

agree 6:16

agreed 5:16

ahead 6:18 8:17

alleged 5:7

already 4:3

also 9:21

am 10:2,12 12:13

amend 10:4

Ann 3:1

any 6:2,10

anything 5:4 8:20 10:1 12:13

anyway 12:10

app 12:11

appeal 7:10,13 9:3,7,21 10:3,
24 11:3,4,15,22,25 12:3,4

appealed 10:5,25 12:7,9

appeals 10:8,13,19 11:17
12:14

appellate 9:25 12:10

application 3:17 4:2 6:4 9:12

applications 4:25

approach 7:21 11:11

approval 6:3

approve 4:25

approved 3:18

April 11:18

Arbor 3:1

arguing 3:22

argument 5:5,6 6:10,12,14
9:3,10

arguments 6:15

aside 10:4

asked 5:15 6:12 7:24

attempt 8:8

attended 9:18

attorney 6:23 8:12 9:23

August 3:2

authority 4:14 5:12 7:17 8:9

away 9:13

B

back 4:16 7:20 8:12 9:24

10:13

basically 3:23

because 3:25 4:2 5:15,18
6:21 7:17 9:10,22

bed 7:3

been 3:7

behalf 3:11

BEHRENDT 3:7 4:5,11 6:17,
19,21 7:12 9:17 10:15,20 11:2,
11 12:18

being 5:18

bench 11:19 12:1

bit 4:16

boardwalk 7:9

bogus 9:3

borders 8:2

brief 4:7

briefing 9:25

briefs 4:16

broad 5:10 7:7

build 8:22

building 3:20 4:18,25 6:4 7:22

built 7:4,9,20

C

call 8:3

came 11:8

can 3:24 5:3 6:5 8:3,22 9:20
10:10

can't 7:16

case 3:5,14,15 4:10 7:2,10,13
8:2,11 10:7 11:13 12:11

certificate 5:1

CH 3:6

chance 8:15

chaos 9:24

Circuit 4:24

cite 5:12,13 7:17

citing 5:14
claim 9:3 10:2 11:22,25
claims 5:9
clarification 6:11 9:10
clarify 6:13 9:6
clear 3:17 8:10 12:15
CLERK 3:5
clients 8:4,5
code 3:20 7:22
come 8:7 9:9 10:10
comes 10:13
comfortable 5:17
complain 9:1
compliance 5:1 7:23
concluded 12:20
Connor 7:6
Connor's 4:13
Connors 6:25 7:2 8:5 11:7,14
construction 8:8
cooperate 6:1
correct 4:4 12:8,12
could 5:8 7:8,9,19 10:11
council 3:13
counsel 5:17,19
County 4:24
course 8:1
court 3:5,9,12,18,25 4:3,4,6,9,12,24 5:7,11,16,20 6:3,5,12,16,18,20 7:7,8,11,13,16 8:13,16,19 9:5,8,13,20 10:1,3,8,13,17,18,23 11:1,6,10,13,16,17,24 12:6,9,13,14,17
court's 4:13 5:12 8:19

D

dangerous 3:24
Day 11:19
days 12:3

dealt 6:23
DEC 10:11
decide 4:1
decision 9:12 12:6
defendant/counter- 5:25
defendant/counter-
plaintiffs 6:7
delayed 12:11
denied 8:9 12:17
denying 10:14
did 3:13
didn't 3:14 4:15 5:24 8:20 9:5,6 10:23 11:15
disagree 8:23
disagreed 8:19
discretion 5:10
disparage 8:4
divests 7:12
document 6:6
documents 6:2
does 8:22
doesn't 3:15,20 4:1 6:7 7:15 8:1,23
doing 9:11 10:1 12:13
don't 3:16 4:6,9 5:4,6,21,22,23 6:8,19 9:21 10:11
down 10:13

E

either 3:17
eliminated 5:8
enough 12:15
enter 6:5 9:6
entered 9:4,7,9 12:3,4
entire 11:2,3
equitable 5:9 7:7
escape 3:24
even 4:9,10 5:2,4,6,21

event 5:25
everything 7:21
evidentiary 10:7
explain 5:6
explanation 5:13

F

facts 6:19
file 4:16 5:19,20 6:23 10:11 12:3
filed 10:3 11:5,22,23,25 12:4
filing 11:24
final 10:20,22 11:13,14,19 12:2
first 3:14
five 6:24
found 5:7
four 6:24
four-day 6:25
fourth 6:23
framed 7:5
Fred 8:11
from 3:25 4:23 7:15 9:14 10:5,13 11:14
front 8:24
full 10:7
fully 7:5

G

Gaetan 3:11
gave 4:3 8:20
Gerville-reache 3:10,11,16 4:8,21 6:10 8:14,18 10:16,18,21,25 11:4,8,21 12:2,8,12,16
gets 3:19
give 6:21
go 6:18 8:17 12:11
going 6:22 7:20,25 10:2,8,12

gone 6:24 11:18
Good 3:7,9,10,12
got 9:24,25
grant 3:19 8:25
granted 4:2 10:3
great 7:6
guess 3:13 4:17

H

had 5:9,15 6:25 8:10,14 9:9,22
12:3
hand 8:12
happened 4:22
has 3:9 6:23 11:18
have 4:14 6:19 9:5,6 12:11
haven't 6:10,11 8:14
he's 7:24
heard 6:17
hearing 4:22 9:18 10:8
hearings 6:25
here 4:23 5:14 6:14 9:10,16
10:10
hired 9:23
hold 4:19
honor 3:10 8:14 10:16 11:4
house 7:4,8,19 8:3,22
how 3:9 4:12 5:3

I

I'D 6:17
I'M 4:5,23 10:1,13 11:25
I'VE 6:23 9:24,25
idea 5:22
including 11:18
indicate 11:22
injunction 6:24
insane 9:25

interior 7:5
interpret 9:20
interpretation 8:20
interpretations 7:14
intervene 5:24 8:11
involved 8:1 9:24
isn't 4:10 7:13 10:18
issuance 4:19
issue 4:15,17,18 5:21 6:12
8:10 9:19
issued 5:11 6:25 9:14 11:7
issuing 5:8
it's 3:7,15,16,17 5:6 7:21,22
8:16 9:7,25 10:20 11:12,14

J

Jean 3:6
job 9:12
judge 3:7 4:5,13 6:19,25 7:2,6,
14 8:2,5,9 9:19 10:7,15,20
11:7,11,14 12:16,18
judgment 7:1,19 8:22 9:5
10:4 11:2,19 12:2
jurisdiction 7:13 9:5,6
jurisdictional 9:3
just 4:15 5:14 7:15 8:5,16,19,
20 9:12

K

keep 7:20
know 5:4,21,22,23 6:20 8:18
9:19 10:10,11
knows 8:11

L

language 8:23 9:21
last 9:17
later 11:9

law 11:13
leave 12:11
lengths 7:6
less 7:14
let 4:8 5:20,23 6:21 10:9 12:14
lieu 3:18 6:6
like 4:14 5:21,22 6:17 8:12
9:25
line 5:6
literally 9:25
little 4:16
lives 8:6
longer 9:23
look 5:23 10:8
looked 4:16
looking 11:25
Lucas 8:11

M

made 9:11
make 7:16
making 9:11,12
mania 8:2
mansion 8:3
Mariel 3:6
Matt 3:11
Matthew 3:6
may 6:2 10:4
Maybe 10:11
MCR 10:2
mean 4:9 5:20,24 8:2,23 10:23
11:13
means 5:14 6:14 8:21,22
members 5:15
Michigan 3:1
middle 5:18
modify 8:7 11:15

month 9:19
months 11:9
motion 3:13 5:5 7:17 8:15
9:15 10:14 11:12,25 12:17
Mouliere 3:6
Moulieres' 5:18
move 8:6
moved 7:9
moving 9:22
Mr 3:7,10,16,18 4:5,8,11,17,21
6:10,17,19,21 7:12 8:14,18
9:17 10:15,16,18,20,21,25
11:2,4,8,11,21 12:2,8,12,16,18

much 9:1,2
my 3:15 4:12 8:4,15

N

necessary 6:2
need 6:8
never 12:9
no 4:5 5:13 6:14 7:14 8:9 9:23
10:21
non-appeal 11:1
nothing 5:2 8:21
notice 11:21,24
nuisance 5:7
nullified 5:8

O

off 4:18
Oh 4:8
Okay 8:4 10:1 11:6
old 9:19
one 5:6 8:16 11:19
only 5:14 7:13
opinion 7:1 11:6
opposite 8:24
order 3:25 4:13,15 5:3,10,22
6:3,5,13,16 7:18 8:7,9,21,23

9:4,5,9,19,20 10:4,6,9,12,18,
19,20,22,25 11:1,7,8,10,14,18,
19 12:7,9,14,19
ordered 4:24 8:25
ordering 5:17
orders 5:12 11:13
ordinance 3:20
other 3:21 6:4 9:23
over 3:14 4:14
oversight 3:25 9:14

P

p.m. 3:3 12:20
parties 6:13
party 4:12 5:3
party's 5:9
past 12:10
pathway 7:9
pending 9:4,7,22
per 5:8
permit 3:21 4:3,18,19,25 5:11
6:4 7:7,22 8:25 9:14
permits 3:19,20 5:9
permitting 6:1 8:6
place 3:21
plain 9:21
plaintiffs 6:1
**plaintiffs/counter-
defendants** 6:2
Planning 4:23
play 3:24
point 4:11 7:16 8:6 10:6,12
12:10
points 6:12
post- 9:4
posture 9:8
power 9:13
powers 7:7

preliminary 6:24
prepare 12:18
present 6:3
preside 3:14
presiding 10:7
proceed 6:9
proceedings 12:20
process 6:1 7:23 9:2
properly 5:7
proposition 7:18,19
provided 6:6
purpose 4:20,21
put 7:2

Q

quickly 6:22 9:23
quote 4:8
quoting 4:23

R

read 3:13 4:15 9:20
real 6:22
really 5:7
reason 9:9,16
reconsideration 11:12
record 3:5 11:17,22
red 7:24
refuse 6:1
regulatory 3:24 9:14
relief 5:10 6:5 9:2
relieve 10:3
rely 10:2
repeat 5:5 9:15
request 6:11 9:10
requests 7:14
required 5:8

respectfully 7:12,16
respond 8:15
response 5:5 8:15 9:1,15
resulted 12:6
review 4:1
reviewing 9:12
reviews 7:22
right 3:12 8:13
rope 5:21
rule 7:8
ruling 5:9 7:16

S

said 4:6 5:2 8:5,21,24,25
same 9:8
saw 7:11
say 5:3 7:17 8:4,20
saying 3:23 4:5 5:11 6:8
says 5:25 6:16 9:20 10:6
11:13,14
scare 7:2
Schuster 3:6,11,18,19 4:17,
18
Schusters 7:4
se 5:8
see 3:9,12
seem 3:15 6:7 7:15
seemed 4:14
seems 12:14
seen 6:10,11
sense 6:22
September 11:5,23 12:3,4
set 10:4
should 4:2 8:8 11:21
side 3:21
sign 6:2
signature 6:8

signed 6:6
signing 4:18
single-spaced 7:1
so 3:13 4:12 5:11,25 7:15 9:15
10:9,13,23 11:10 12:13
some 8:7
somebody 7:15
something 5:19,20
stand 3:21 8:3
stands 7:18,19
stay 11:25
stop 8:8
such 5:10 6:5
supervises 7:21
suppose 10:10
sure 6:18 8:17
suspect 10:1

T

tag 7:24
tagged 7:25
talk 7:6
talking 10:21
tell 8:18 10:10
telling 12:7
than 7:14
Thank 10:15 12:16,17,18
that 3:17,18,24 4:4,5,17,19,20,
21,22 5:3,4,5,7,11,14,16,25
6:5,8,11,12,14,15 7:8,11,19,22
8:7,19,21,23 9:8,15,16,18,22
10:2,8 11:6,14,21,22 12:6,7
that's 4:6,11 5:12,16 8:25
11:11 12:10
their 4:7 5:5 6:8,15 8:6,22
9:13,15
them 4:3 5:21 6:21 8:6 9:14
10:9
then 5:4,13 8:7 9:6,23 11:11

there 4:17 6:24 7:1,25 10:7
11:18,21
There's 5:2 6:14 7:14 8:9
these 5:3 6:12 8:4
they 3:24 4:22 5:3,4,6,12,13
6:8 7:20 8:3,22,24 9:9,10,13,
14 10:10,11 11:14,15
they're 3:23 4:12 5:2,11,14
6:8 9:15
things 8:4
think 3:16,17,23 4:6 6:22 9:13,
20,21
thinking 5:23
this 3:13,14,17,20,23,25 4:2,
10,13 5:12,18,22,23 6:13,16,
22,23 7:2,4,7,8,9,12,13,16,20
8:2,6,7,11 9:2,4,13,18,23,24,
25 10:6,12,18,19,25 11:1,2,8,
10,18 12:7,9,13
those 6:14
three 11:9
through 7:6
ticky-tack 7:20
time 7:25
today 5:22 7:2 10:2
told 4:22
took 9:13
top 5:4
touch 10:12
Township 3:25 4:1,10,14 5:3,
15,17,18,20,23,24 6:6,13 7:21,
22,23,24 8:1,10,11,12 10:9
transcript 4:23 11:16,19
transcripts 10:9
trial 6:25 10:3 11:20 12:1
tribal 10:4
Trust 7:24
try 9:2
trying 8:5
turning 7:5
two 6:12 11:8

type 8:8

U

ultimately 7:6,8,18 8:2

unclear 3:15,16 6:7

uncomfortable 9:11

under 3:19,20

understand 3:15

unless 3:18

until 10:13

untimely 11:13

up 4:19 7:3 11:17,18 12:11

upset 10:9

us 5:15,16 7:24 8:18

use 8:7 9:2

usually 8:16

V

variance 6:4

verdict 11:3

very 3:17,24 9:22

vs 3:6

W

wake 7:3

want 7:4,15,20 8:1 11:15

wanted 7:2 8:18

was 3:17 4:15,17,19,21,24
6:24 7:1,25 9:3,4,7,9,18,21,23,
24 10:6,7,25 11:4,6,10,18,22,
23 12:3,4,7,9

Washtenaw 4:24

way 12:10

We'll 12:18

we're 5:14 9:8,16,24 10:21
12:10

weapon 8:7

weigh 12:14

well 4:8 6:16 8:16 9:1 11:17

went 4:16 7:6 11:17

were 5:16 8:24 9:8,22

weren't 7:23

what 3:21,23 4:4,6,21 5:13,16,
23 6:13,16 8:19,21,22,25 9:19
10:6,11,23 11:12 12:7

what's 6:22

whatever 4:13

whatsoever 5:13

when 8:24 9:4,7,8,22

Where 9:17

whether 4:2

which 3:21 7:4,21

while 3:8 7:25

who 5:15,16 7:15

whole 4:16 5:22 11:17

why 9:9

wintertime 9:18

would 4:12 7:2,3,24 8:11
11:22

wouldn't 4:19

written 8:10

wrong 6:11,14 7:18

wrote 9:19

Y

Yeah 6:18 11:24

years 6:24

Yep 7:12

Yes 8:13 10:17 11:8 12:2

you'd 12:11

you'll 6:22

you're 7:5 12:7

you're-- 4:4

your 3:10,13 8:14 10:16 11:4

Z

ZBA 4:22 5:15 7:14 8:24,25
9:11,17

zoning 3:19 4:23 5:1 6:4

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

JEAN-MARIE L. MOULIERE and INGRID D.
MOULIERE,

Plaintiffs/Counter-Defendants,

Case No. 20-001274-CH
Hon. Timothy P. Connors

v

MATTHEW A. SCHUSTER and ALYSSA L.
CAIRO,

Defendants/Counter-Plaintiffs.

**ORDER TO ENFORCE FINAL
JUDGMENT**

BODMAN PLC
J. Adam Behrendt (P58607)
Melissa Benton Moore (P73018)
Michelle Kolkmeier (P81355)
201 W. Big Beaver Road, Suite 500
Troy, MI 48084
(248) 743-6000
abehrendt@bodmanlaw.com
mmoore@bodmanlaw.com
mkolkmeier@bodmanlaw.com

Attorneys for Plaintiffs/Counter-
Defendants

CONLIN MCKENNEY & PHILBRICK, P.C.
W. Daniel Troyka (P65155)
350 S. Main St., Suite 400
Ann Arbor, MI 48104-2131
(734) 761-9000
troyka@cmplaw.com

HONIGMAN LLP
Michael P. Hindelang (P62900)
Laura E. Biery (P82887)
2290 First National Building
660 Woodward Avenue
Detroit, MI 48226-3506
(313) 465-7000
mhindelang@honigman.com
lbiery@honigman.com

Attorneys for Defendants/Counter-Plaintiffs

ORDER TO ENFORCE FINAL JUDGMENT

At a session of said Court, held in the
Washtenaw County Circuit Court, State of Michigan

on 11/30/2023

PRESENT: Hon. Hon. Timothy P. Connors
Circuit Court Judge

This matter having come before the Court on Defendants/Counter-Plaintiffs' Motion to Stay Execution of Judgment Pending Appeal, the Court having heard oral argument on October 12, 2023, and being otherwise fully advised in the premises;

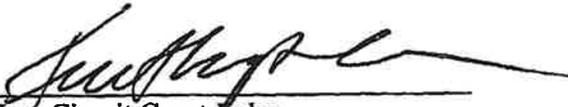
IT IS HEREBY ORDERED that Defendants/Counter-Plaintiffs' Motion to Stay Execution of Judgment Pending Appeal is denied for the reasons stated on the record;

IT IS FURTHER ORDERED that, for the reasons stated on the record, in the event that Defendants/Counter-Plaintiffs refuse to cooperate in the permitting process and to sign any necessary documents, Plaintiffs/Counter-Defendants may present an order to the Court for Court approval of an application for a building permit, a variance, or other zoning relief, and the Court will enter an order such that it can be provided to the Township in lieu of a document signed by Defendants/Counter-Plaintiffs.

This is a final order.

IT IS SO ORDERED.

Dated: 11-30-2023



Hon. Circuit Court Judge

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW**

JEAN-MARIE L. MOULIERE and INGRID
D. MOULIERE,

Plaintiffs/Counter-Defendants,

v.

MATTHEWA A. SCHUSTER and ALYSSA
L. CAIRO,

Defendants/Counter-Plaintiffs.

Case No. 20-001274-CH

Hon. Timothy P. Connors

**ORDER APPROVING APPLICATION
FOR BUILDING PERMIT IN
ACCORDANCE WITH ORDER TO
ENFORCE FINAL JUDGMENT**

BODMAN PLC
By: J. Adam Behrendt (P58607)
Melissa Benton Moore (P73018)
Michelle Kolkmeier (P81355)
201 W. Big Beaver Rd., Suite 500
Troy, MI 48084
(248) 743-6000
abehrendt@bodmanlaw.com
mmoore@bodmanlaw.com
mkolkmeier@bodmanlaw.com
Attorneys for Plaintiffs/Counter-Defendants

CONLIN MCKENNEY & PHILBRICK, P.C.
By: W. Daniel Troyka (P65155)
350 S. Main Street, Suite 400
Ann Arbor, MI 48104-2131
(734) 761-9000
troyka@cmplaw.com

HONIGMAN LLP
By: Michael P. Hindelang (P62900)
Laura E. Biery (P82887)
2290 First National Building
660 Woodward Avenue
Detroit, MI 48226
(313) 465-7000
mhindelang@honigman.com
lbiery@honigman.com
Attorneys for Defendants/Counter-Plaintiffs

**ORDER APPROVING APPLICATION FOR BUILDING PERMIT IN ACCORDANCE
WITH ORDER TO ENFORCE FINAL JUDGMENT**

At a session of said Court, held in the
Washtenaw County Circuit Court, State of Michigan

on 12/18/23

PRESENT: Hon. Timothy P. Connors
Circuit Court Judge

WHEREAS, this matter comes before the Court following the Court’s entry of its “Order to Enforce Final Judgment,” dated November 30, 2023. That order states, in relevant part:

[I]n the event that Defendants/Counter-Plaintiffs refuse to cooperate in the permitting process and to sign any necessary documents, Plaintiffs/Counter-Defendants may present an order to the Court for Court approval of an application for a building permit, a variance, or other zoning relief, and the Court will enter an order such that it can be provided to the Township in lieu of a document signed by Defendants/Counter-Plaintiffs.

Plaintiffs/counter-plaintiffs Jean-Marie L. Mouliere and Ingrid D. Mouliere (collectively, “Moulieres”) have asked defendants/counter-plaintiffs Matthew A. Schuster and Alyssa L. Cairo (collectively, “Schusters”) to sign the building permit application attached as **Exhibit A** so they may complete the construction at issue in this case. The Schusters have refused to sign the building permit application.

AND WHEREAS, the Schusters agree that the form of this Order complies with the Court’s rulings, and approve the form of the Order only, and the Schusters restate their previous objections to the issuance of the permit.

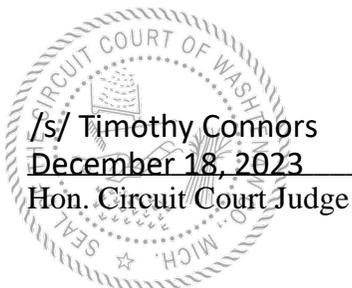
NOW, THEREFORE, having been so advised, the Court hereby orders as follows:

IT IS HEREBY ORDERED that, the building permit application attached hereto as Exhibit A is approved and that Superior Township may accept and rely upon this order in lieu of a document signed by the Schusters;

IT IS FURTHER ORDERED that the Schusters' approval of the form of this Order does not constitute acquiescence by the Schusters in the propriety of the permit.

IT IS SO ORDERED.

Dated: _____



APPROVED AS TO FORM ONLY:

BODMAN PLC

By: /s/ J. Adam Behrendt
J. Adam Behrendt (P58607)
Attorneys for Plaintiffs/Counter-Defendants

HONIGMAN LLP

By: /s/ Michael P. Hindelang
Michael P. Hindelang (P62900)
Attorneys for Defendants/Counter-Plaintiffs

Exhibit A



BUILDING PERMIT APPLICATION (revised 03-01-23)

Charter Township of Superior
3040 N. Prospect, Ypsilanti, MI 48198
(734) 482-6099

Applicant to Complete All Items in Sections I, II, III, IV and V

NOTE: Separate Applications Must Be Completed for Plumbing, Mechanical, & Electrical

I. JOB LOCATION	
Street Address of Job 5766 Geddes Rd Ann Arbor MI 48105	Project Name/Subdivision N/A

II. IDENTIFICATION				
A. OWNER OR LESSEE				
Name Matt Schuster		Address 5766 Geddes Rd.		
City Ann Arbor	State MI	Zip Code 48105	Phone 248-790-5650	Email mattaschuster@yahoo.com
B. APPLICANT INFORMATION				
<input type="checkbox"/> HOMEOWNER		<input checked="" type="checkbox"/> CONTRACTOR		<input type="checkbox"/> ARCHITECT/ENGINEER
<input type="checkbox"/> AGENT				
Name/ Company Name Snyder Contracting LLC		License Number 242200533		Expiration Date 5/31/2025
Address 8650 Huron River Dr		City Dexter	State MI	Zip Code 48130
Telephone (with area code) (734) 5454840		Email Dan@snydercontractingllc.com		
Workers Comp. Ins. Carrier Accident fund of America		Federal Employer ID # 46-0915638		

III. TYPE OF IMPROVEMENT AND PLAN REVIEW		
A. PROPOSED USE OF BUILDING AND TYPE OF IMPROVEMENT		
<input checked="" type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> NON-RESIDENTIAL	
<input type="checkbox"/> New Building	<input type="checkbox"/> Addition	<input type="checkbox"/> Mobile Home
<input checked="" type="checkbox"/> Alteration	<input type="checkbox"/> Repair	<input type="checkbox"/> Demolition

IF RESIDENTIAL-describe in detail scope of work; IF NONRESIDENTIAL-describe proposed use of building, e.g. food processing plant, machine shop, laundry building at hospital, elementary school, college parking garage, rental office building. If use of existing building is being changed, enter proposed use.
Completion of retaining wall, driveway and possible fence or handrail and top of retaining wall
Wall to be made of Redi-wall cobblestone. Driveway to be gravel during construction and finished as concrete.
Fence or handrail is TBD

APPLICATION FOR BUILDING PERMIT AND PLAN EXAMINATION - PAGE TWO

IV. CHARACTERISTICS OF BUILDING		
A. TYPE OF WATER SUPPLY AND SEWAGE DISPOSAL		
<input type="checkbox"/> Public Water	<input type="checkbox"/> Public Sewer	<input type="checkbox"/> Private Well <input type="checkbox"/> Septic System
B. DIMENSION/DATA		
<u>Floor Area</u>	<u>Alteration</u>	<u>New</u>
Basement	_____	_____
1st & 2nd Floor	_____	_____
		Construction Cost (or submit copy of contract) <u>100,000</u>

V. SIGNATURE				
<p>I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT, AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE STATE OF MICHIGAN. ALL INFORMATION SUBMITTED ON OR WITH THIS APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.</p>				
<p>Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violator's of section 23a are subject to civil fines.</p>				
<table style="width:100%;"> <tr> <td style="width: 60%;"> APPLICANT SIGNATURE: _____ </td> <td style="width: 40%;"> DATE: <u>11/2/2023</u> </td> </tr> <tr> <td colspan="2"> PRINT NAME: <u>Daniel Snyder</u> </td> </tr> </table>	APPLICANT SIGNATURE: _____	DATE: <u>11/2/2023</u>	PRINT NAME: <u>Daniel Snyder</u>	
APPLICANT SIGNATURE: _____	DATE: <u>11/2/2023</u>			
PRINT NAME: <u>Daniel Snyder</u>				

BUILDING DEPARTMENT USE ONLY			
	REQUIRED?	RECEIVED	NOTES
A. Zoning Review	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	
B. Well/Septic Permit	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	
C. Driveway Permit	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	
D. Soil Erosion	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	
E. Utility Charges	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	
F. Wetlands	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	
Data _____			
Construction Type	Use Group	Square Footage	Occupant Load
Parcel Number	Valuation		Zoning District
Approval Signature		Date	Permit Fee

SUPERIOR CHARTER TOWNSHIP
3040 NORTH PROSPECT, YPSILANTI, MI 48198
TELEPHONE (734) 482-6099 FAX (734) 482-3842

Certificate of Zoning Compliance

This application must be accompanied by a site plan which is drawn to scale and contains the following information: 1) scale, date and north point. 2) location, shape and dimensions of the lot. 3) dimensioned location, outline and dimensions of all existing and proposed structures, and location and extent of uses not involving structures.

Address of Property: 5766 Geddes Rd Ann Arbor MI 48105

Applicant Name: Daniel Snyder Snyder Contracting LLC

Address: 8650 Huron River Dr

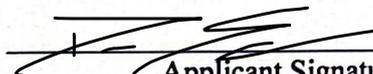
City, State, Zip Code: Dexter MI 48130

Phone Number: 7345454840 Email Address: Dan@snydercontractingllc.com

Provide a complete description of existing and intended uses of the property and structures, existing and proposed:

Completion of retaining wall, driveway and possible fence or handrail and top of retaining wall

The undersigned certifies that he/she is the owner or agent of the owner authorized to submit this application.


Applicant Signature

11/18/23
Date

Township Use Only

Parcel Number: _____

Site Plan Number: _____

Parcel Zoning District: _____

Zoning Administrator: _____

Zoning Compliance Approved

Zoning Compliance Denied

Reason for Denial: _____

ZONING BOARD OF APPEALS APPLICATION

(This application must be typewritten or printed. All questions must be answered.)

Request is hereby made for one of the following:

- Variance from the requirements of the following Zoning Ordinance
Section(s): _____
- Appeal of the decision of the Township Zoning Official

APPLICANT INFORMATION

Name Matthew Schuster

Address 5766 Geddes Road, Ann Arbor, MI 48105

Phone Number 248-790-5650 Email mattaschuster@yahoo.com

Is the property owned by the applicant? YES NO

If "NO", what is the applicant's interest in the property? _____

Name, address and telephone number of owner(s): _____

DESCRIPTION OF THE PROPERTY

Address 5766 Geddes Road, Ann Arbor, MI 48105

Parcel ID# J-10-30-400-055 Parcel size 3.130 total acres

Size of the proposed building or addition, if any N/A

Use of existing building (if any) and property residential

Zoning classification of property R-1

If a new building is proposed, has the Building Inspection department examined the plans for the proposed building? YES NO

Has the department refused a permit? YES NO

Has there been any previous land use application involving this property? YES NO

If "YES", state the date of filing, the character of appeal and the disposition.

February 16, 2024 an appeal was filed from a zoning compliance certificate for a building permit and that appeal is unresolved.

DESCRIBE THE REASONS FOR YOUR APPEAL

Note: The Zoning Board of Appeals is required to use the standards listed in Section 13.08(B) of the Zoning Ordinance when considering an appeal. It is recommended that applicants review these standards and consider them in preparing a description of why the variance is needed. A copy of the standards is attached to the application.

See attached narrative.

YOU MAY WISH TO ASK YOUR NEIGHBORS TO SIGN THE FOLLOWING SECTION IF THEY HAVE NO OBJECTION TO THE APPEAL YOU ARE MAKING.

We the undersigned, as owners of property any part of which is located within 300 feet of any part of the property involved in this appeal, have no objections to the granting of the request made in this appeal:

NAME (PLEASE PRINT)	SIGNATURE	STREET ADDRESS
---------------------	-----------	----------------

<hr/>	<hr/>	<hr/>

INFORMATION REQUIRED TO BE SUBMITTED WITH APPEAL

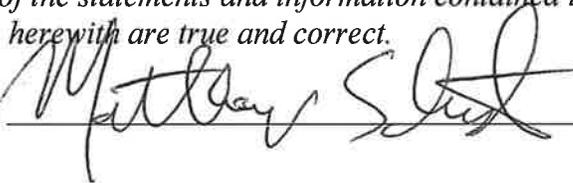
The following must attached and submitted with the application:

- Ten (10) sets of drawings, all on sheets 8 ½ inches by 11 inches or 8 ½ inches by 14 inches, drawn to scale and showing all measurements, features and structures, including the general location of all natural features on the property, measurements to show distances between structures, measurements between structures and property lines, measurements for lot width and lot area, and height of structures. Rights-of-way and easements must also be shown.
- A letter of authority, or power of attorney, in the event the appeal is being made by a person other than the actual owner of the property.
- A complete legal description of the premises (as stated on the property deed or property tax bill.)

APPLICANT'S DEPOSITION – Must be completed by applicant.

I hereby state that all of the statements and information contained in this application and the supporting documents herewith are true and correct.

Signature of applicant



Date

11/8/24

James D O'Leary
Notary Public - State of Michigan
County of Washtenaw
My Commission Expires 26-May-2029

NOTARY PUBLIC – Applicant's signature must be notarized.

Sworn to before me this 8 day of November

20 24

My commission expires

26 - May - 2029
(Notary Public, Washtenaw County, Michigan)



To be filled in by Township Clerk (or designated Township Officer/Personnel)

I hereby state that this petition was properly received and filed on _____ (date)

Signature of Clerk (or designee)

Fee paid _____

Notice to Applicants for the Zoning Board of Appeals

Filing Applications

You must call and schedule an appointment with the Township Zoning Official Richard Mayernik to file an application. He may be reached at the Township Office at (734) 482-6099.

Meeting Schedule

The Zoning Board of Appeals does not have a regular meeting schedule. Meetings are called whenever there is an application for a variance. Because variance requests require a public hearing, it generally takes four (4) weeks from the date an application is received until a meeting of Zoning Board of Appeals can be held. This time is needed to schedule the meeting date and to mail out notices of the public hearing.

Reasons for the Appeal

The Zoning Board of Appeals is required to use the standards listed in Section 13.08 of the Zoning Ordinance when considering the appeals. It is recommended that applicants review these standards and consider them in preparing a description of why the variance is needed.

Site Visits

Filing an application gives the implied consent for Township officials and/or consultants to visit the subject site.

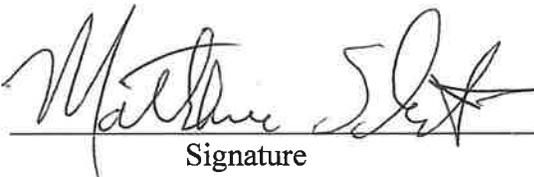
Application Fees

An application fee must be paid when you file your application. The fees are as follows:

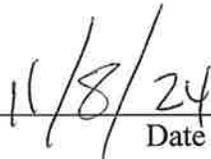
1. Appeals brought by the owner of a single-family dwelling for a variance from density and height regulations of the Zoning Ordinance = **\$175.00**
2. Any other appeal = **\$500.00**

Applicant's Acknowledgement

I hereby acknowledge that I have read and agree to the above and that I have been given a copy of this notice.



Signature



Date



Warner Norcross + Judd LLP

November 8, 2024

Superior Charter Township
Zoning Board of Appeals
3040 North Prospect Road
Ypsilanti, Michigan 48198

Re: **Zoning Board of Appeals Application**
5766 Geddes Road, Ann Arbor, Michigan, Parcel ID# J-10-30-400-055

Dear Members of the Zoning Board of Appeals:

Please accept this letter and attachments as Matt Schuster's request for interpretation of the zoning ordinance and as a narrative for the appeal application signed by Mr. Schuster. The application and this letter together serve as a timely appeal of the September 12, 2024 determination by the zoning administrator (**Exhibit A**) that Mr. Schuster's boundary adjustment request (**Exhibit B**) should be denied because the adjustment would violate the Superior Township Zoning Ordinance ("ZO"). This denial of zoning approval is based on an incorrect interpretation of the ZO.

Mr. Schuster seeks to acquire a strip of land approximately twelve feet wide along the entire length of adjacent lot to the east that would extend from Geddes Road to the Huron River. (See Ex B.) The request was denied by the Zoning Administrator because the frontage on the river would be less than 200 feet. (Ex A.) The Zoning Administrator later clarified that by "frontage" the Zoning Administrator means "lot width" and then concluded the minimum "frontage" would be 160 feet. (**Exhibit C.**)

Respectfully, there is no minimum water "frontage" established by the zoning ordinance, using the proper definition of that term. And if the Zoning Administrator's conclusion is that the proposed boundary adjustment does not meet the minimum lot width standards under Sections 3.101 and 3.202, the Zoning Administrator is mistaken, as explained in the narrative below. His interpretation was also recently contradicted by the Township just four years ago when it approved a parcel with "frontage" on the Huron River that would be noncompliant under the Zoning Administrator's interpretation. (Ex C.) The decision denying Mr. Schuster's boundary adjustment should be reversed.

Gaëtan Gerville-Réache | Partner
D 616.752.2207
E greache@wnj.com
150 Ottawa Avenue, N.W., Suite 1500
Grand Rapids, MI 49503

The 200-foot minimum width under Section 3.101 is measured at the front building line, not the front lot line.

The Zoning Administrator’s September 12 letter points to ZO § 3.101 as establishing a minimum “frontage” of 200 feet. The table from Section 3.101 referenced in the Zoning Administrator’s decision is pasted below for ease of reference.

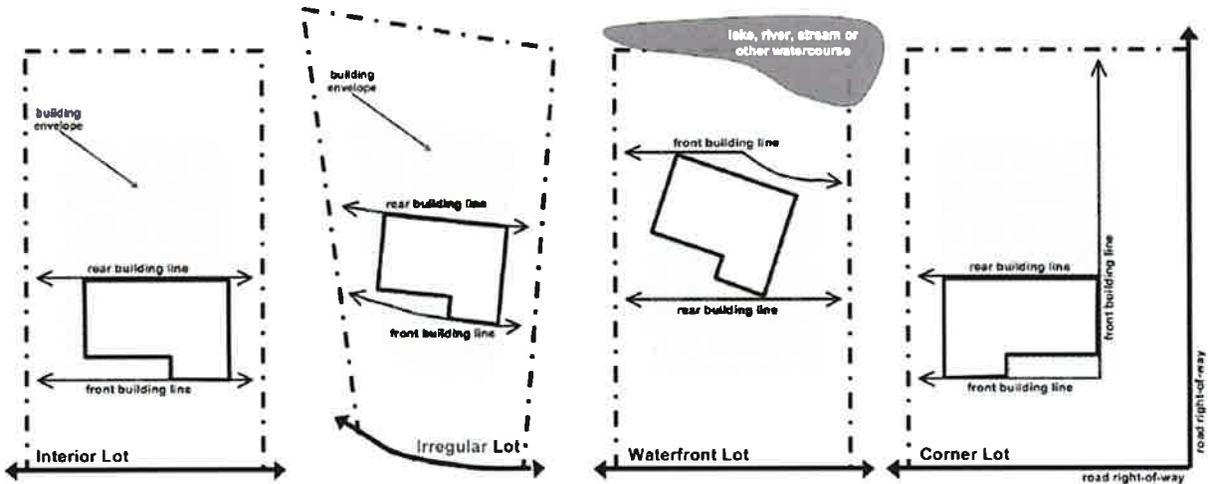
Section 3.101 Table of Dimensional Standards by District.

Dimensional Standards		Districts															Additional Standards				
		Rural			Rural Residential		Urban Residential			Business		Other	Special								
		R-C	A-1	A-2	R-1	R-2	R-3	R-4	R-6	R-7	C-1	C-2	O-1	PSP	PC	NSC		VC	MS	PM	OSP
Maximum Building Height	Feet	35	40	40	35	35	35	35	35	35	35	35	35		30	35		35		Section 3.201	
	Stories	2.5	3.0	3.0	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5		2.0	2.5		3.0			
Lot Standards	Minimum Width (feet)	225	225	225	200	150	100	60		125	150	150	100	150		250	100		150		
	Minimum Depth (feet)						150	120													Section 3.202
	Minimum Area (acres or square-feet)	5.0 acres	5.0 acres	2.0 acres	2.0 acres	1.0 acre	21,780	7,200		21,780	10,500	20,000	20,000	20,000		3.0 acres	20,000		2.0 acres		
Yard/Setback Standards (feet)	Front Yard	Minimum	60	75	75	60	50	35	25	35	20	35	20	20		50	20		50		Section 3.203
		Maximum															35				
	Minimum Side Yard	One Side	30	30	30	20	15	10	6	15	15	20	10	20		25	10		10		
		Total of Two	60	60	60	60	50	25	16	35	30	40	20	40		50	20		20		
	Minimum Rear Yard	50	50	50	50	50	50	35		35	35	35	35	35		25	35		35		
Maximum Ground Floor Coverage (GFC)	5%	5%	5%	10%	15%	20%	25%		20%	20%	25%	25%	25%		20%	25%		20%		Section 3.203E	
Maximum Floor Area Ratio (FAR)	0.05	0.05	0.05	0.10	0.15	0.25	0.40		0.30	0.30	0.50	0.50	0.50		0.20	0.50		0.40		Section 3.203E	
Maximum Net Dwelling Unit Density (units per acre)	0.2	0.2	0.5	0.5	1.0	2.0	4.0		8.0											Section 3.204	

The 200-foot minimum for R-1 in that section establishes the minimum lot width for the “Lot Standards” in Section 3.202. According to Section 3.202, “the minimum required width of any lot shall consist of the horizontal straight-line distance between the side lot lines measured along the front building line, or the required front yard setback line for vacant lots.” ZO § 3.202(A) (emphasis added). The “building line” is defined in Section 17.03(25) as either:

- a. The junction of the plane of the *outer surface of the front or rear of the building* with the plane of the finish grade or surface of the adjoining ground, where this line is generally parallel to the nearest front or rear lot boundary.
- b. The line tangent to the *point of the building* nearest to the front or rear lot boundary and extending to the side lot boundaries in a manner generally parallel to the nearest front or rear lot boundary.

The location of a front building line is shown in the illustration from the ordinance found in the Zoning Administrator’s letter and pasted below. The waterfront lot example in the illustration below provides an example of a front building line that is tangential to the point of the building nearest the front lot line. Notice that the front building line is neither at the edge of the building envelope (setback) nor at the lot line (the lot boundary); it is adjacent or tangent to the building.



Building Lines

Mr. Schuster’s lot is not vacant, so the 200-foot minimum lot width is measured at the front building line. Because the boundary adjustment would mean the lot borders on a river, the Zoning Administrator contends that the front lot line is the line fronting on the water. But regardless of whether the front lot line is on the river or on Geddes Road, that is not where the minimum 200-foot lot width is measured. It is measured at the front building line. The ZBA should interpret the zoning ordinance accordingly.

In this case, the boundary adjustment would not put Mr. Schuster’s lot out of compliance with the 200-foot minimum lot width requirement. It is apparent from looking at the survey attached to Mr. Schuster’s boundary adjustment application that the adjustment only increases the width of Mr. Schuster’s lot at the front building line. (See Ex B; see also **Exhibit D**.) It does not decrease it.

Critically, no provision in the zoning ordinance establishes minimum “frontage” along a river or lake. The term does not even apply in that context. “Frontage” is a defined term that refers to “[a] linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way, or at the front yard setback line for lots on cul-de-sacs.” ZO § 17.03(86). Accordingly, the only a minimum frontage requirement in the zoning ordinance is along a street: “The straight-line distance between the side lot lines at their foremost points, where they intersect the street line, shall not be less than eighty percent (80%) of the required lot width, except

in the case of lots fronting onto the turning circle of cul-de-sac streets, in which case the minimum distance shall be 20 feet.” ZO § 3.202(A) (emphasis added). The Zoning Administrator’s conclusion that the minimum “frontage” would be 160 feet is presumably based on this provision. But this provision by its own terms only applies to street frontage.

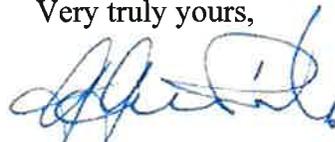
The absence of any minimum frontage requirement for a waterfront was confirmed by the Township when it approved a subdivision just four years ago with a lot that does not meet the minimum lot width at the water. (See Ex C.)

In sum, it makes no difference if the frontage on the Huron River would be 12 feet because there is no minimum water frontage requirement in the zoning ordinance. The 200-foot minimum the Zoning Administrator points to in Section 3.101 is the minimum lot width, not the minimum frontage. And that minimum lot width is measured at the front building line, not the front lot line. ZO § 3.202(A). And the 160-foot minimum stated in the September 24 letter is mistakenly based on the second sentence of Section 3.202(A), which addresses side lot lines “where they intersect the street line,” not the front lot line or the water. The boundary adjustment Mr. Schuster requested does not put his lot out of compliance with minimum lot width requirement when lot width is properly measured at the front building line.

For these reasons, Mr. Schuster requests that the ZBA reverse the Zoning Administrator’s decision and issue an interpretation of the zoning ordinance that:

1. There is no minimum “frontage” on a river or lake; and
2. The minimum width of the lot in the R-1 District that is not vacant is measured at the front building line, not the front lot line.

Very truly yours,



Gaëtan Gerville-Réache

ADDENDUM OF APPLICABLE ZONING ORDINANCE SECTIONS

<p>Section 17.03(25).</p>	<p>Building Line</p> <p>The line formed by either of the following, as applicable:</p> <p>a. The junction of the plane of the outer surface of the front or rear of the building with the plane of the finish grade or surface of the adjoining ground, where this line is generally parallel to the nearest front or rear lot boundary.</p> <p>b. The line tangent to the point of the building nearest to the front or rear lot boundary and extending to the side lot boundaries in a manner generally parallel to the nearest front or rear lot boundary.</p> <p>At no point shall a building line extend closer to the front or rear lot boundaries than the minimum required yard setbacks for the zoning district (see “Building Lines” illustration) [amended 12/16/2013, Ord. 174-13].</p>
<p>Section 17.03(86)</p>	<p>Frontage</p> <p>A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.</p>
<p>Section 17.03(119)</p>	<p>Lot Line</p> <p>Any line dividing one lot from another lot or from a road right-of-way or from any public place.</p> <p>a. Front Lot Line. The line separating a lot from a road right-of-way.</p> <p>(1) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and 33 feet back from the centerline of the pavement.</p> <p>(2) Where lots border upon a lake or river, the front lot line shall be designated as that line fronting on the water.</p> <p>(3) On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained.</p>

Section 3.101	[See table inserted in narrative above.]
Section 3.202(A)	Lot Width Measurements The minimum required width of any lot shall consist of the horizontal straight-line distance between the side lot lines measured along the front building line, or the required front yard setback line for vacant lots. The straight-line distance between the side lot lines at their foremost points, where they intersect the street line, shall not be less than eighty percent (80%) of the required lot width, except in the case of lots fronting onto the turning circle of cul-de-sac streets, in which case the minimum distance shall be 20 feet.

Exhibit A



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

To: Diane Mulville-Friel, Township Zoning Administrator

From: Ben Carlisle, AICP

Date: September 12, 2024

Re: Parcel J-10-32-400-024 Boundary Adjustment Application

The Township has received a Property Boundary Adjustment application from Matt Schuster, property owner of 5766 Geddes Road (parcel J-10-32-400-024) to obtain a 0.195 acre portion from 5800 Geddes Road (parcel J-10-30-200-055). Both parcels are zoned R-1- Single-Family Residential District and bound to the lot regulations set forth in Section 3.101 Table of Dimensional Standards by District. As set forth in Section 3.1.01, the minimum frontage for R-1 is 200-feet.

Frontage is defined in Section 17 of the Zoning Ordinance:

Frontage. *A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.*

The use of the term lot line is used in the definition of frontage. As set forth in Section 17.02.119, front lot line is defined as:

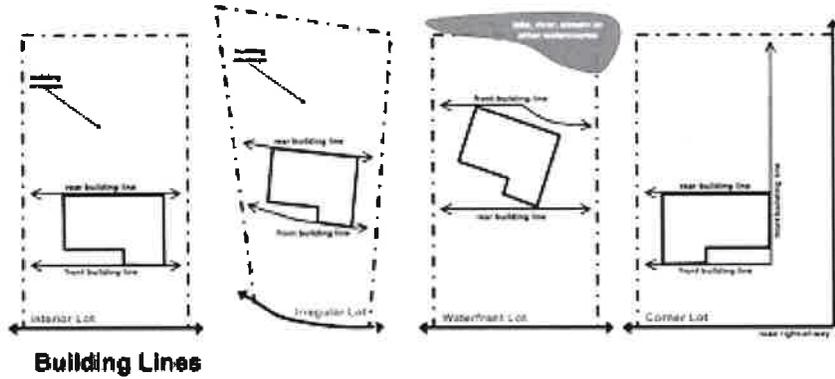
Lot Line. *Any line dividing one lot from another lot or from a road right-of-way or from any public place*

a. **Front Lot Line.** *The line separating a lot from a road right-of-way.*

- 1) *In the case of a private road that does not have a dedicated right-of way, this line shall be parallel to and 33 feet back from the centerline of the pavement.*
- 2) *Where lots border upon a lake or river, the front lot line shall be designated as that line fronting on the water.*
- 3) *On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained*

Benjamin R. Carlisle, *President* John L. Enos, *Vice President*
Douglas J. Lewan, *Principal* David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal*
Paul Montagno, *Principal*, Megan Masson-Minock, *Principal*, Laura Kreps, *Senior Associate*
Richard K. Carlisle, *Past President/Senior Principal*

ILLUSTRATIONS



We have highlighted section 2 of the Front Lot Line definition:

Where lots border upon a lake or river, the front lot line shall be designated as that line fronting on the water.

The 0.195 acre portion is only 12.13' in width abutting the waterside. The proposed newly created lot does not have the required frontage on the waterside (river). In order to comply with the required front lot line, the frontage on the waterside shall be a minimum of 200-feet.

Thus, the Parcel J-10-32-400-024 Boundary Adjustment application shall be denied. The applicant may amend their application to comply with all zoning ordinance requirements.

Please contact me if you have any additional questions.

Sincerely,

CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, AICP, LEED AP
Principal

Exhibit B

Boundary Adjustment
SUPERIOR CHARTER TOWNSHIP ~~LAND DIVISION APPLICATION~~

You MUST answer all questions and include all attachments or this application will be returned to you as incomplete. Bring or mail the completed application to: 3040 N. Prospect, Ypsilanti, MI 48198, for the municipal reviewing agent.

Division of land within the Township requires prior Township approval whenever a proposed division is less than 40 acres and is not otherwise exempt from the requirement by the Township's Land Division Ordinance. NOTE: Approval of a proposed land division is not a determination that any resulting parcel complies with other Township Land Use Ordinances and/or regulations, or that a building permit can or will be issued for any resulting parcel in the future.

* Boundary Adjustment Only between
Parcels to J-10-30-400-024
J-10-30-400-055

Applicant Information.

Name: Math Schuster
Address: 5766 Geddes
City, state, zip: Ann Arbor MI 48105
Phone: 734-790-5650 Fax: _____

This form is designed to comply with section 109 of the Michigan Land Division Act (formerly the subdivision control act), P.A. 288 of 1967, as amended, and the Township's Land Division Ordinance.

1. LOCATION OF PARENT PARCEL TO BE SPLIT: Adjusted
Address: 5800 Geddes Road Name: _____
Parent parcel number: J-10-30-400-024 (Parcel Id unchanged)
Legal description of Parent Parcel (attach extra sheets if needed).

2. PROPERTY OWNER INFORMATION:
Name: Elaine M. Quirk, Trustee Phone: () _____
Address: 5800 Geddes City, State: Ypsilanti Zip: 48198

3. DESCRIBE THE DIVISION(S) BEING PROPOSED: * Adjustment Only *
- A. Is the proposed division from a parent parcel (parcel created on or before March 31, 1997)? (yes or no) N/A
 - B. Is the proposed division from an exempt split or other parcel created subsequent to March 31, 1997? (yes or no) If yes, what is the recording date of the parcel being divided? Adjusted only N/A
 - C. Total acreage of the parcel or tract being divided. 0.195 acres
 - D. Number of proposed new Parcels 2
 - E. Intended use (residential, commercial, etc.) Residential
 - F. Is the parcel to be divided a lot or outlot in a platted subdivision? (yes or no) No
 - G. Are all proposed new parcels greater than or equal to 40 acres? (yes or no). If so, is each resulting parcel accessible as defined by the Township's Land Division Ordinance? (yes, or no) N/A
 - H. Does each proposed parcel have a depth to width ratio of 4 to 1 or less? (yes) or no. YES
 - I. Does each parcel have a width not less than required by the Township's Land Division and/or Zoning Ordinance? (yes) or no. YES
 - J. Does each parcel have an area not less than required by the Township's Land Division and/or Zoning Ordinance? (yes) or no. YES
 - K. Does each resulting parcel of the proposed division provide access to an existing or proposed public road? (yes or no). YES
 - L. Does each resulting parcel that is a development site have adequate easements for public utilities from the parcel to existing public utility facilities? (yes) or no. YES

4. RIGHT TO MAKE FUTURE DIVISIONS EXEMPT FROM PLATTING:
The owner or proprietor of a parent parcel may transfer the right to make divisions exempt from platting. If the proposed division includes the transfer of future division rights, you must include a statement in the deed in substantially the following form: "The grantor grants to the grantee the right to make ___ division(s) under section 108 of the Land Division Act."
Parcel Ids unchanged
N/A
- A. Is the proposed division being made from a parent parcel? (yes or no) YES
 - B. Does the proposed division include a transfer of the right to make future divisions exempt from platting under the Act? (yes or no). If yes, provide the following information: _____

Total number of divisions (parcels) allowed to the parent parcel - _____

Number of parent parcel divisions (parcels) made prior to this application - _____

Number of divisions (parcels) resulting from this application - _____

Number of divisions (parcels) remaining in the parent parcel after this application - _____

Proposed number of division rights being transferred - _____

Number of future division rights (if any) go with which parcels?
Parcel # J-10- - - - (____ acres) has ____ # of future divisions if any.
Parcel # J-10- - - - (____ acres) has ____ # of future divisions if any.
Parcel # J-10- - - - (____ acres) has ____ # of future divisions if any.

N/A

5. **DEVELOPMENT SITE LIMITS:**

Check each item that represents a condition which exists on the parent parcel. Any part of the parcel:

- Is riparian or littoral (it is a river-bank or lake-front parcel)
- Includes a wetland
- Is within a flood plain
- Is on muck soils or soils known to have severe limitations for on-site systems
- Is known or suspected to have an abandoned well, underground storage tank or contaminated soils

6. **ATTACHMENTS:** (all attachments must be included).

Letter each attachment as shown here.

- A. A scale drawing that complies with the requirements of the Township's Land Division Ordinance and P.A. 288 of 1967, as amended, for the proposed division(s) showing:
 1. Parent parcel boundaries, area and dimensions (as of March 31, 1997), and
 2. Parcel lines, boundaries and area of all previous divisions made from the parent parcel after March 31, 1997 (indicate when made and recorded or none), and
 3. The parcel lines, area, and dimensions of all resulting parcels from the proposed division(s), and
 4. existing and proposed road/easement rights of way, and
 5. existing and proposed easements for public utilities from each resulting parcel that is a development site to existing public utility facilities, and
 6. any existing improvements (buildings, wells, septic systems, driveways, etc.)
- B. Provide the name for, and attach a legal description of, any proposed new road, easement or shared driveway. Note: a new road name can not duplicate an existing road name.
- C. Legal description for each resulting parcel from the proposed division.
- D. Indication of approval, or permit from County Road Commission, MDOT or Superior Charter Township, for each proposed new road, easement, or shared driveway for accessibility pursuant to the Township's Land Division Ordinance.
- E. A copy of any deed or conveyance that transfers to the applicant the right to make the proposed division.
- F. A fee of \$_____.
- G. Other (please list).

7. **IMPROVEMENTS:**

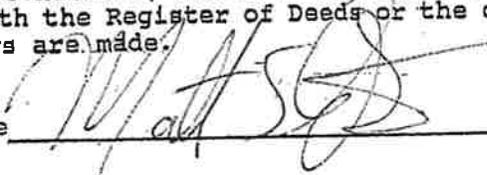
Describe any existing improvements (buildings, well, septic, etc.) which are on any of the resulting parcels from the proposed division, or indicate none (attach extra sheets if needed).

8. **AFFIDAVIT** and permission for municipal, county and state officials to enter the property for inspections:

I agree that the statements made above are true, and if found not to be true, this application and any approval will be void. Further, I agree to comply with the conditions and regulations provided with parent parcel division. Further, I agree to give permission for officials of the municipality, county and the State of Michigan to enter the property where this parcel division is proposed for purposes of inspection to verify that the information on the application is correct at a time mutually agreeable with the applicant. I understand that the Township's approval of the proposed division is not a determination that the resulting parcels comply with the Township's zoning ordinance and does not include any representation that a building permit can or will be issued for any resulting parcel, nor does approval of a proposed division convey rights under any other statute, building code, zoning Ordinance, deed restriction or other property rights.

Finally even if this division is approved, I understand that zoning, local Ordinances and state Acts change from time to time, and if changed the divisions made here must comply with the new requirements (apply for division approval again) unless deeds, land contracts, leases or surveys representing the approved divisions are recorded with the Register of Deeds or the division is built upon before the changes to laws are made.

Property Owner's Signature



Date:

8/12/24

DO NOT WRITE BELOW THIS LINE

Reviewer's action _____

Total \$ _____

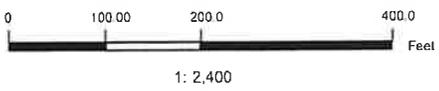
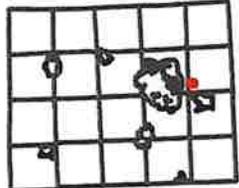
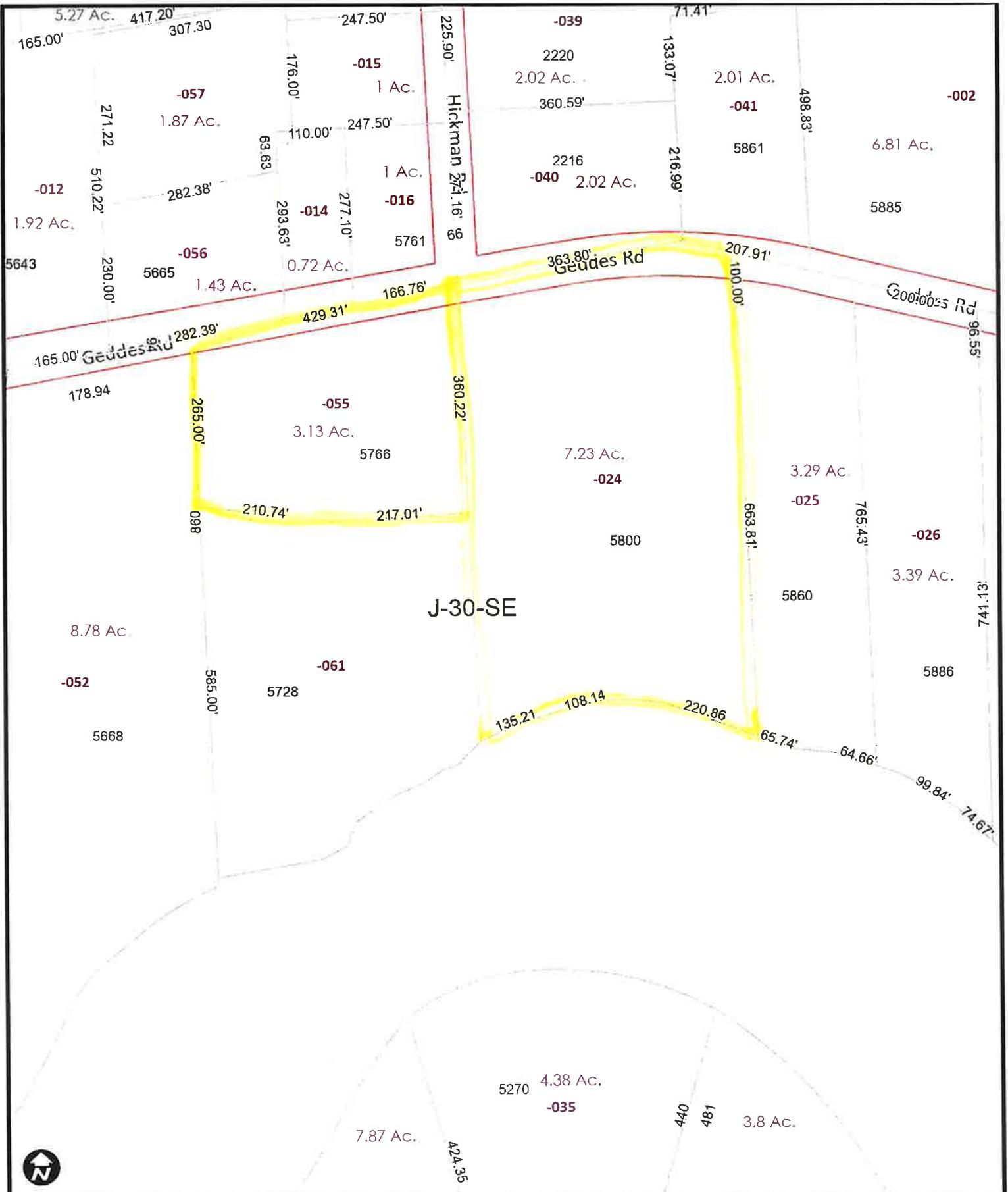
Receipt # _____

Approved: Conditions, if any: _____

Denied: Reasons (cite): _____

Signature: _____

Date: _____



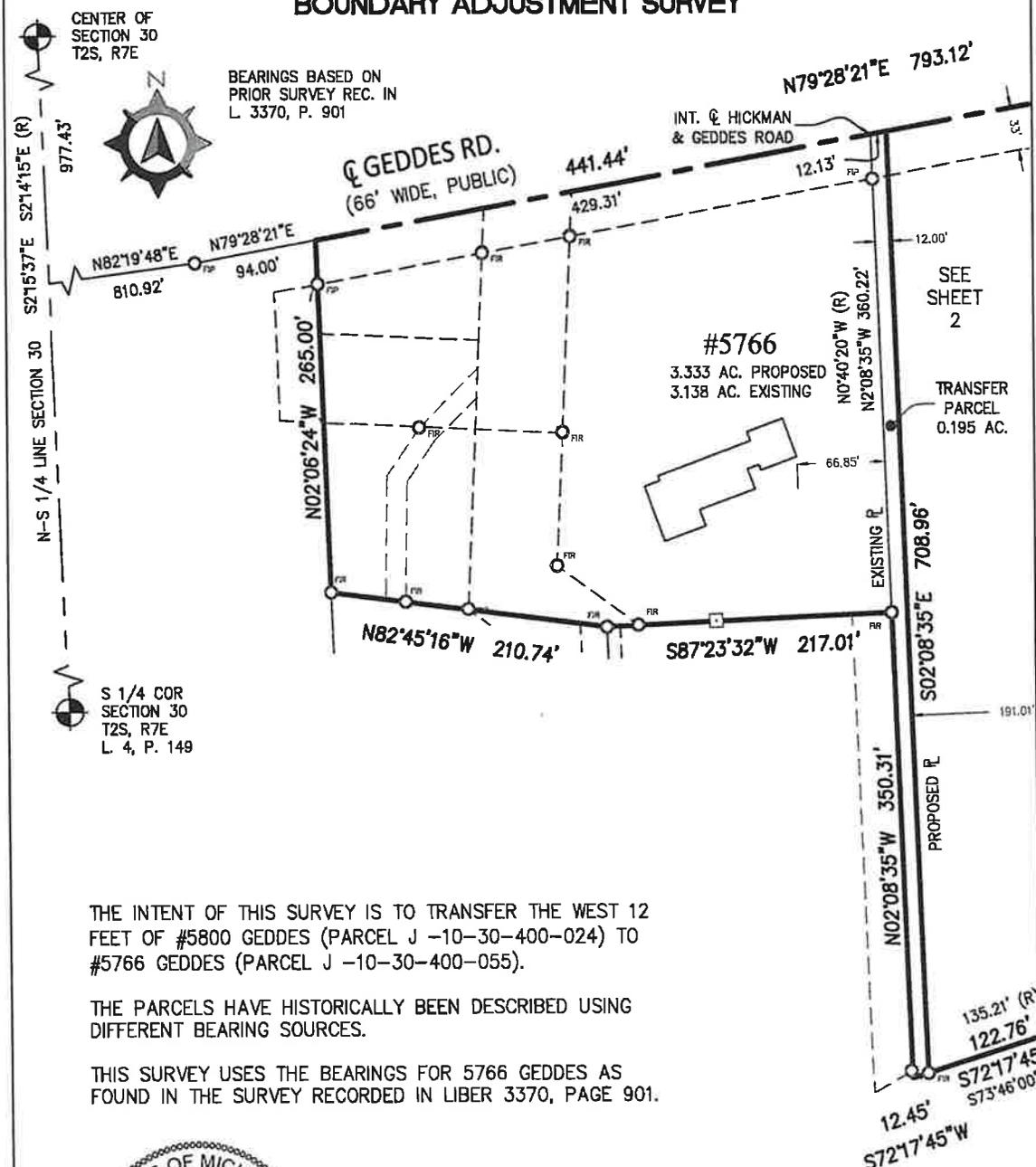
8/26/2024



NOTE: Parcels may not be to scale.
 The information contained in this cadastral map is used to locate, identify, and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHTENAW COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-222-8662

BOUNDARY ADJUSTMENT SURVEY



CENTER OF SECTION 30
T2S, R7E

BEARINGS BASED ON
PRIOR SURVEY REC. IN
L. 3370, P. 901

N-S 1/4 LINE SECTION 30
S21°15'37"E S21°15'37"E (R)
977.43'

S 1/4 COR SECTION 30
T2S, R7E
L. 4, P. 149

THE INTENT OF THIS SURVEY IS TO TRANSFER THE WEST 12 FEET OF #5800 GEDDES (PARCEL J -10-30-400-024) TO #5766 GEDDES (PARCEL J -10-30-400-055).

THE PARCELS HAVE HISTORICALLY BEEN DESCRIBED USING DIFFERENT BEARING SOURCES.

THIS SURVEY USES THE BEARINGS FOR 5766 GEDDES AS FOUND IN THE SURVEY RECORDED IN LIBER 3370, PAGE 901.



CLIENT: SCHUSTER

**BOUNDARY
ADJUSTMENT SURVEY**
BETWEEN 2 PARCELS IN
SE 1/4 OF SECTION 30,
T2S, R7E
SUPERIOR TOWNSHIP,
WASHTENAW COUNTY,
STATE OF MICHIGAN.

LEGEND:

	SECTION CORNER
	FOUND IRON PIPE
	FOUND IRON ROD
	FOUND MAG NAIL
	FOUND MONUMENT
	SET IRON PIPE
	SET WOOD LATH
(R)	RECORDED
(C)	CALCULATED

**ARBOR LAND
CONSULTANTS**
Professional Land Surveyors

6653 Schneider Rd. • Manchester, MI • 48158

(734) 669-2960 • arborlandinc.com

JOB NO.: 16621 DATE: 5-8-2024

FLD. BOOK: 24-2 REVISED: -

SHEET 1 OF 4 BY: KJG

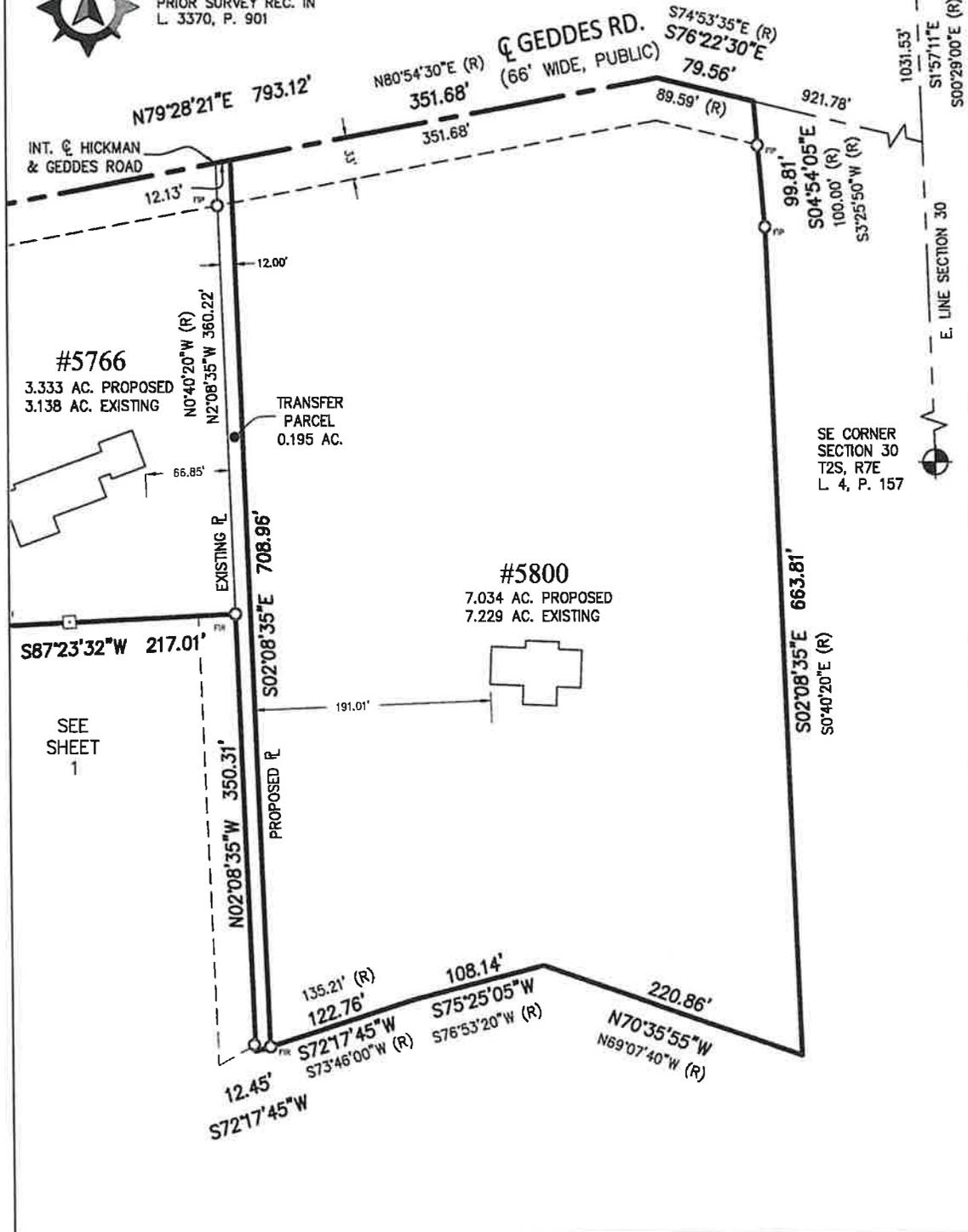
SCALE: 1" = 100'



BOUNDARY ADJUSTMENT SURVEY

BEARINGS BASED ON
PRIOR SURVEY REC. IN
L. 3370, P. 901

E 1/4 COR
SECTION 30
T2S, R7E
L. 4, P. 155



CLIENT: SCHUSTER

**BOUNDARY
ADJUSTMENT SURVEY**
BETWEEN 2 PARCELS IN
SE 1/4 OF SECTION 30,
T2S, R7E
SUPERIOR TOWNSHIP,
WASHTENAW COUNTY,
STATE OF MICHIGAN.

LEGEND:

- SECTION CORNER
- FOUND IRON PIPE
- FOUND IRON ROD
- FOUND MAG NAIL
- FOUND MONUMENT
- SET IRON PIPE
- SET WOOD LATH
- RECORDED
- CALCULATED



6653 Schneider Rd. • Manchester, MI • 48158

(734) 669-2960 • arborlandinc.com

JOB NO.: 16621 DATE: 5-8-2024

FLD. BOOK: 24-2 REVISED: -

SHEET 2 OF 4 BY: KJG

SCALE: 1" = 100'

EXISTING #5800 GEDDES PER WASHTENAW COUNTY:

Beginning at the intersection of the Centerline of Geddes and Hickman Roads; thence North 80°54'30" East 363.8 feet; thence South 74°53'35" East 89.59 feet; thence South 03°25'50" West 100.00 feet; thence South 00°40'20" East 663.81 feet; thence North 69°07'40" West 220.86 feet; thence South 76°53'20" West 108.14 feet; thence South 73°46'00" West 135.21 feet; thence North 00°40'20" West 710.53 feet to the POINT OF BEGINNING.

EXISTING #5766 GEDDES:

Commencing at the Center of Section 30, Township 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan; thence South 02°14'15" East 977.43 feet along the North and South 1/4 line of said Section and the Centerline of Gale Road; thence North 82°19'48" East 810.92 feet along the centerline of Geddes Road; thence continuing along said centerline North 79°28'21" East 94.00 feet to the POINT OF BEGINNING; thence continuing along said centerline North 79°28'21" East 429.31 feet to a found iron at the centerline of said Geddes Road and Hickman Road; thence South 02°08'35" East 360.22 feet; thence South 87°23'32" West 217.01 feet; thence North 82°45'16" West 210.74 feet; thence North 02°06'24" West 265.00 feet to the POINT OF BEGINNING.

TRANSFER PARCEL:

A part of the Southeast 1/4 of Section 30, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan described as:
Commencing at the East 1/4 Corner of said Section 30; thence along the East line of said Section South 01°57'11" East 1031.53 feet; thence along the Centerline of Geddes Road North 76°22'30" West (recorded as North 74°53'35" West) 1001.34 feet; thence continuing along said Centerline South 79°28'21" West (recorded as South 80°54'30" West) 351.68 feet to the POINT OF BEGINNING; thence South 02°08'35" East 708.96 feet to a point on the bank of the Huron River; thence along said bank South 72°17'45" West (recorded as South 73°46'00" West) 12.45 feet; thence North 02°08'38" West (recorded as North 00°40'20" West) 710.53 feet to the intersection of the Centerline of Geddes Road with the Centerline of Hickman Road; thence along the centerline of Geddes Road North 79°28'21" East 12.13 feet to the POINT OF BEGINNING, containing 0.195 acres of land, more or less.

CLIENT: SCHUSTER

**BOUNDARY
ADJUSTMENT SURVEY
BETWEEN 2 PARCELS IN
SE 1/4 OF SECTION 30,
T2S, R7E
SUPERIOR TOWNSHIP,
WASHTENAW COUNTY,
STATE OF MICHIGAN.**

LEGEND:

-  SECTION CORNER
-  FOUND IRON PIPE
-  FOUND IRON ROD
-  FOUND MAG NAIL
-  FOUND MONUMENT
-  SET IRON PIPE
-  SET WOOD LATH
- (R) RECORDED
- (C) CALCULATED



6653 Schneider Rd. • Manchester, MI • 48158

(734) 669-2960 • arborlandinc.com

JOB NO.: 16621 DATE: 5-8-2024

FLD. BOOK: 24-2 REVISED: -

SHEET 3 OF 4 BY: KJG

SCALE: 1" = 100'

PROPOSED #5800 GEDDES:

A part of the Southeast 1/4 of Section 30, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan described as:
Commencing at the East 1/4 Corner of said Section 30; thence along the East line of said Section South 01°57'11" East 1031.53 feet; thence along the Centerline of Geddes Road North 76°22'30" West (recorded as North 74°53'35" West) 921.78 feet to the POINT OF BEGINNING; thence South 04°54'05" East 99.81 feet (recorded as South 03°25'50" West 100.00 feet); thence South 02°08'35" East (recorded as South 00°40'20" East) 663.81 feet; thence along the bank of the Huron River North 70°35'55" West (recorded as North 69°07'40" West) 220.86 feet; thence continuing along said bank South 75°25'05" West (recorded as South 76°53'20" West) 108.14 feet; thence continuing along said bank South 72°17'45" West (recorded as South 73°46'00" West) 122.76 feet; thence North 02°08'35" West (recorded as North 00°40'20" West) 708.96 feet; thence along the Centerline of Geddes Road North 79°28'21" East (recorded as North 80°54'30" East) 351.68 feet; thence continuing along said centerline South 76°22'30" East 79.56 feet (recorded as South 76°22'30" East 89.59 feet) to the POINT OF BEGINNING, containing 7.034 acres of land, more or less.

PROPOSED #5766 GEDDES:

A part of the Southeast 1/4 of Section 30, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan described as:
Commencing at the East 1/4 Corner of said Section 30; thence along the East line of said Section South 01°57'11" East 1031.53 feet; thence along the Centerline of Geddes Road North 76°22'30" West (recorded as North 74°53'35" West) 1001.34 feet; thence continuing along said Centerline South 79°28'21" West (recorded as South 80°54'30" West) 351.68 feet to the POINT OF BEGINNING; thence South 02°08'35" East 708.96 feet to a point on the bank of the Huron River; thence along said bank South 72°17'45" West (recorded as South 73°46'00" West) 12.45 feet; thence North 02°08'38" West (recorded as North 00°40'20" West) 350.31 feet; thence South 87°23'32" West 217.01 feet; thence North 82°45'16" West 210.74 feet; thence North 02°06'24" West 265.00 feet to a point on the Centerline of Geddes Road, said point being located the following three (3) courses from the Center of said Section 30: 1) South 02°15'37" East 977.43 feet, 2) North 82°19'48" East 810.92 feet, and 3) North 79°28'21" East 94.00 feet; thence continuing along said centerline North 79°28'21" East 441.44 feet to the POINT OF BEGINNING, containing 3.333 acres of land, more or less.

CLIENT: SCHUSTER		 ARBOR LAND CONSULTANTS Professional Land Surveyors 6653 Schneider Rd. • Manchester, MI • 48158 (734) 669-2960 • arborlandinc.com
<u>BOUNDARY ADJUSTMENT SURVEY</u> BETWEEN 2 PARECELS IN SE 1/4 OF SECTION 30, T2S, R7E SUPERIOR TOWNSHIP, WASHTENAW COUNTY, STATE OF MICHIGAN.	LEGEND:  SECTION CORNER  FOUND IRON PIPE  FOUND IRON ROD  FOUND MAG NAIL  FOUND MONUMENT  SET IRON PIPE  SET WOOD LATH (R) RECORDED (c) CALCULATED	
SCALE: 1" = 100'		JOB NO.: 16621 DATE: 5-8-2024 FLD. BOOK: 24-2 REVISED: - SHEET 4 OF 4 BY: KJG

WARRANTY DEED

81-24917464-ANN

KNOW ALL PERSONS BY THESE PRESENTS: That Elaine M. Quirk, Trustee of the Elaine M. Quirk Trust under agreement dated September 27, 2002, ("Grantor")

the address of which is: 5800 Geddes Ave., Ypsilanti, MI 48198

convey(s) and warrant(s) to: Matthew Schuster and Alyssa Cairo, husband and wife, ("Grantee")

the address of which is: 5766 Geddes Rd., Ann Arbor, MI 48105

the following described premises situated in the Township of Superior, County of Washtenaw, State of Michigan, to wit:

SEE EXHIBIT A

also known as Property Address: Proposed 5766 Geddes Rd, Ann Arbor, MI 48105
Parcel ID No.: J-10-30-400-024 (part)

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 All division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of Thirty Five Thousand and 00/100 Dollars (***\$35,000.00***)

Subject to visible easements and encroachments, to easements and restrictive covenants of record and to the lien of taxes not yet due and payable at time of closing.

When Recorded return to:
Matthew Schuster
Alyssa Cairo
5766 Geddes Rd.
Ann Arbor, MI 48105

Send Subsequent Tax Bills To:
Grantee

Drafted By:
Elaine M. Quirk
5800 Geddes Ave.
Ypsilanti, MI 48198
Assisted by: ATA National Title Group,
LLC

Dated this 28th June, 2024

Signed by:
Elaine M. Quirk Trust under agreement
dated September 27, 2002

Elaine M. Quirk
Elaine M. Quirk, Trustee

State of Michigan)
County of Otsego) SS.

The foregoing instrument was acknowledged before me on this 28 day of June, 2024
by Elaine M. Quirk, Trustee of the Diane M. Quirk Trust under agreement dated September 27, 2002.

Marcia Prusakiewicz
Notary Public: _____
Notary County: _____ State: _____
Commission Expires: _____
Acting In: _____

MARCIA PRUSAKIEWICZ
Notary Public, State of Michigan
County of Otsego
My Commission Expires Mar. 24, 2026
Acting in the County of Otsego

EXHIBIT "A"

Land situated in the Township of Superior, County of Washtenaw, State of Michigan

A part of the Southeast 1/4 of Section 30, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan described as:

Commencing at the East 1/4 Corner of said Section 30; thence along the East line of said Section South 01°57'11" East 1031.53 feet; thence along the Centerline of Geddes Road North 76°22'30" West (recorded as North 74°53'35" West) 1001.34 feet; thence continuing along said Centerline South 79°28'21" West (recorded as South 80°54'30" West) 351.68 feet to the POINT OF BEGINNING; thence South 02°08'35" East 708.96 feet to a point on the bank of the Huron River; thence along said bank South 72°17'45" West (recorded as South 73°46'00" West) 12.45 feet; thence North 02°08'38" West (recorded as North 00°40'20" West) 710.53 feet to the intersection of the Centerline of Geddes Road with the Centerline of Hickman Road; thence along the centerline of Geddes Road North 79°28'21" East 12.13 feet to the POINT OF BEGINNING.

Parcel Identification No.: J-10-30-400-024 (part)

Commonly Known as: Proposed 5766 Geddes Rd
Tax Parcel ID: J-10-30-400-024 (part)

Exhibit C



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

To: Diane Mulville-Friel, Township Zoning Administrator

From: Ben Carlisle, AICP

Date: September 24, 2024

Re: Parcel J-10-32-400-024 Boundary Adjustment Application

In a September 12, 2024 memo, the Township determined that the Parcel J-10-32-400-024 Boundary Adjustment application should be denied because it does not meet the lot width frontage for the lot line abutting a waterway. Please refer to the September 12, 2024 memo for details. The September 12, 2024 memo was provided to the applicant as an explanation why the boundary adjustment was denied.

Subsequent to the September 12, 2024 memo, I have spoken to the applicant to clarify my determination as well as provide other options to consider to allow for water frontage that would still comply with the Zoning Ordinance. As part of the phone call, the applicant noted two other recent lot splits/boundary adjustments that they felt were similar to their situation. The applicant sent me the parcels ID's for those two adjustments and I noted I would look further into the matter. I had requested Township files for those two other examples.

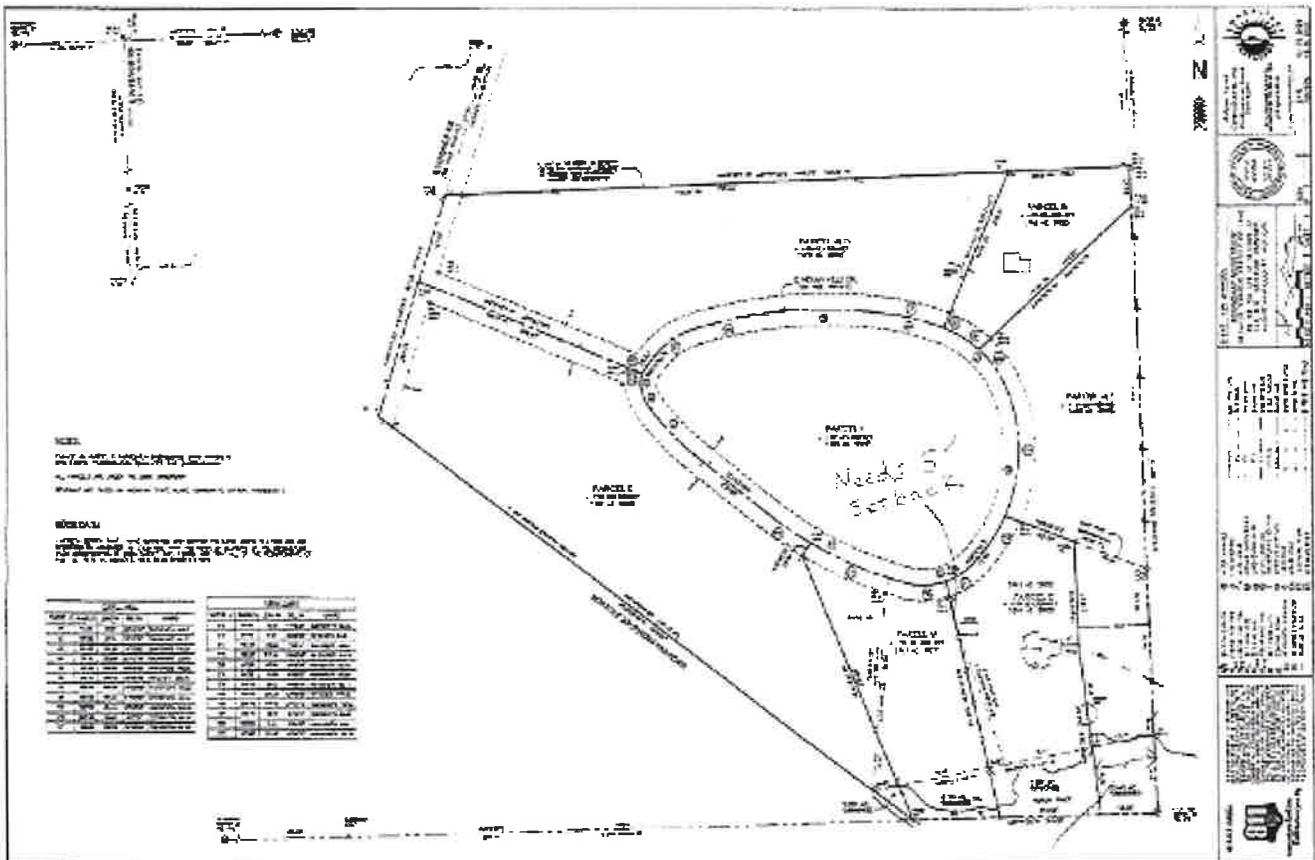
Parcel J -10-32-300-018

Parcel J -10-32-300-018 is zoned R-2, which requires a frontage of 150-feet. In reviewing the Township files for J-10-32-300-018, the Township applied the frontage requirement at the building setback line, which for R-2 is 50 feet. Thus, 50-feet from the water's edge, the lot width (frontage) shall be 150-feet.

Benjamin R. Carlisle, *President* John L. Enos, *Vice President*
Douglas J. Lewan, *Principal* David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal*
Paul Montagno, *Principal*, Megan Masson-Minock, *Principal*, Laura Kreps, *Senior Associate*
Richard K. Carlisle, *Past President/Senior Principal*

Parcel J-10-32-400-024 Boundary Adjustment
September 24, 2024

In review of Township records, confirmed in a December 13, 2020 email, the Township did not approve the first boundary adjustment submittal because they did not meet the required frontage:



Needs 150 feet

Paula Calopisis

From: Paula Calopisis
Sent: Sunday, December 13, 2020 1:35 PM
To: Thomas Stachler; Dick Steffens
Cc: Rick Mayernik; Ken Sharrock
Subject: RE: Indian Hills Boundary Adjustment Surveys and new legal descriptions previously provided.
Attachments: Indian Hills Boundary Adjustment Survey Issues with Zoning.pdf

Good Afternoon,

I shared the survey with the Zoning Official Rick Mayernik and here are the concerns that we have. (See attached)

1. The setback between the garage and the lot line of Parcel C must be 5 feet.
2. The frontage for lot A(2) is now on the water edge and that line needs to be 150 feet wide. (Also could be 80% or 120 feet of frontage and then would have to be 150 feet at the 50 foot setback from the frontage)
3. The highlighted area at the south end (water) of lots A(2), C, D, and E was not a part of these parcels. How can they be now?

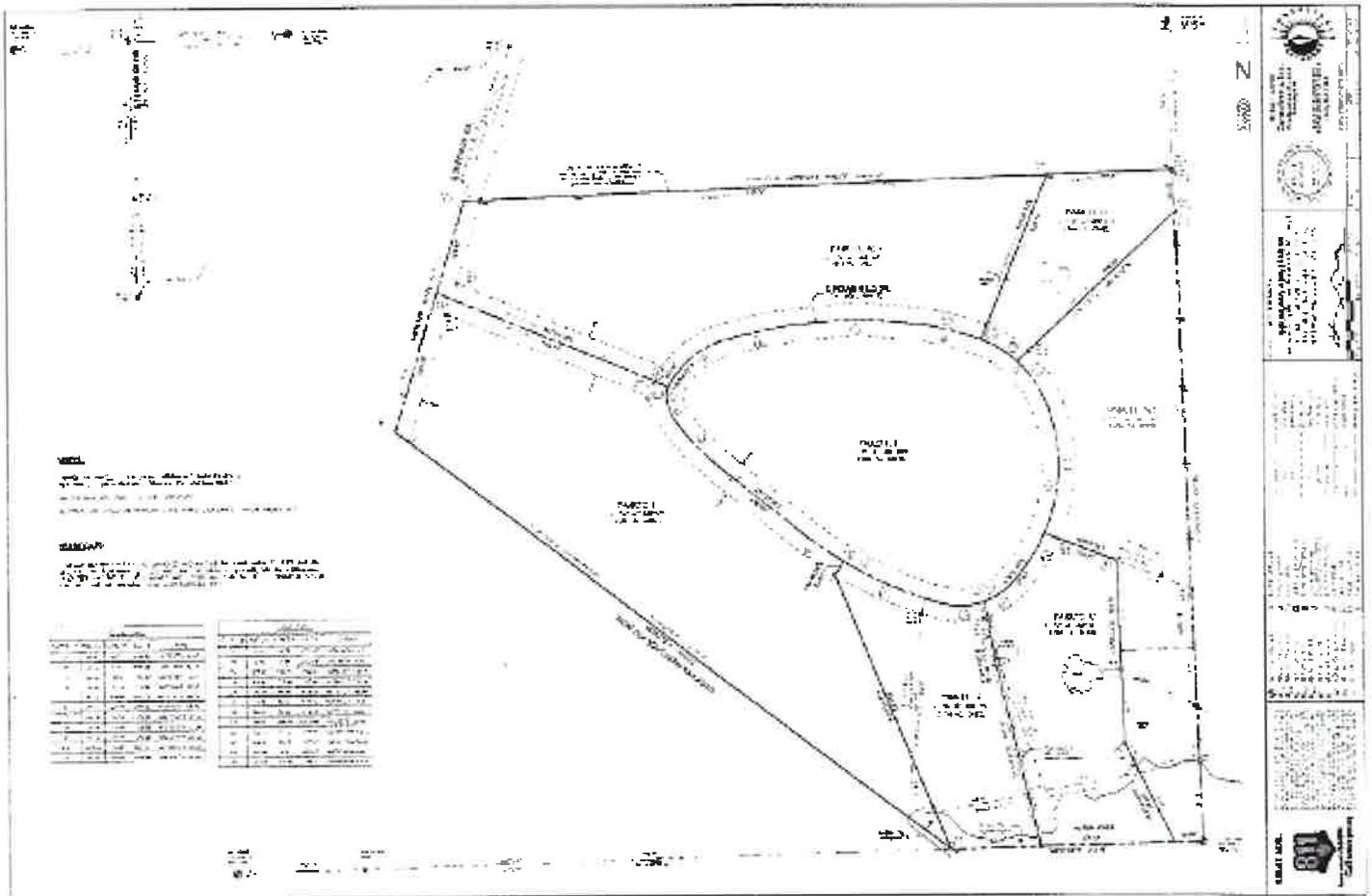
These are the corrections that will need to be made to comply with the Zoning Ordinance. If you have any questions please let us know.

Thank you,

Paula Calopisis, MAAO (3) PPE
Superior Township Assessor
3040 North Prospect Road
Superior Township, MI 48198
Ph: 734-482-6099
Fax: 734-482-3842
www.superiortownship.org

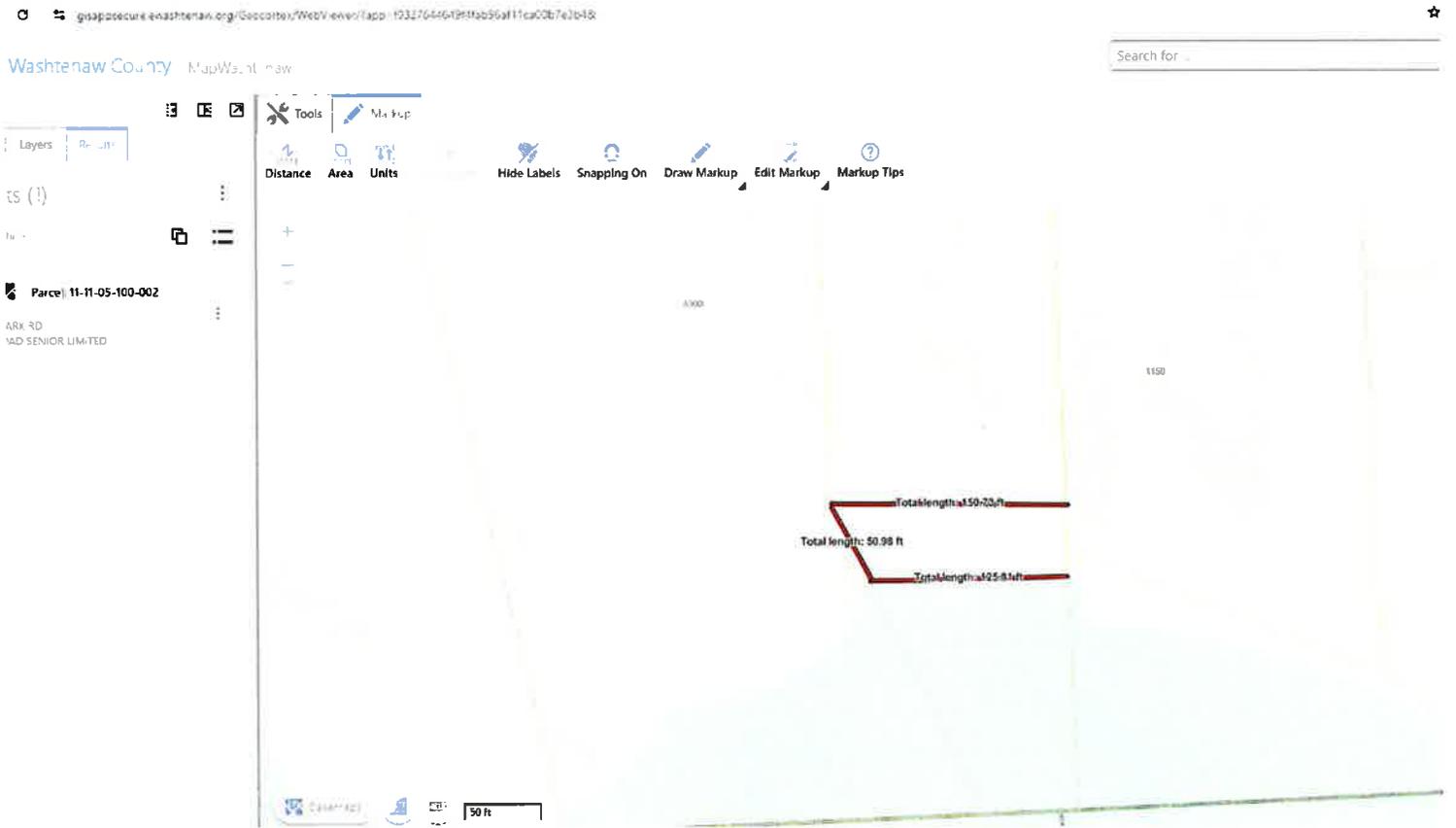
From: Thomas Stachler <atom@me.com>
Sent: Wednesday, December 9, 2020 9:15 PM

Subsequent to the December 2020 email, the applicant adjusted the lots lines to provide the required 150-foot frontage at the 50-foot building setback line:



Parcel J-10-32-400-024 Boundary Adjustment
September 24, 2024

From the County GIS system, the lot meets the required 150-foot frontage at the building setback from the water:



Parcel J -10-32-300-015

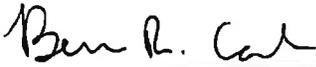
Parcel J -10-32-300-015 is zoned R-2, which requires a frontage of 150-feet at the 50-foot building setback line. We could not find Township records for the boundary adjustment application for Parcel J-10-32-300-015. It appears from county GIS that the lot does not meet the required 150-feet at 50-foot from the water's edge. However, we were not able to confirm how the lot adjustment for this site was approved.

Summary:

Without Township or other records, it is not clear how Parcel J-10-32-300-015 was approved. However, in review of obtained Township records, the Township in the past has applied the requirement that the lot line abutting the water's edge has to meet the lot width requirement at the building setback. If the Township were to apply the same standards to the proposed boundary adjustment for 5766 Geddes that were applied to the boundary adjustment for Parcel J-10-32-300-015, the applicant could amend their application to meet the required frontage (200-feet for R-1) at the 60-foot (R-1) building line. In accordance with Township's previous application, the lot width at the waters edge could be 80% of the required R-1 frontage or 160-feet.

Please contact me if you have any additional questions.

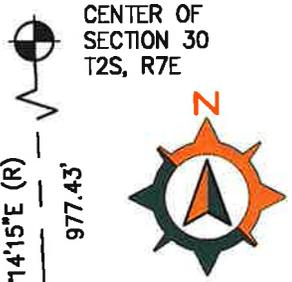
Sincerely,



CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, AICP, LEED AP
Principal

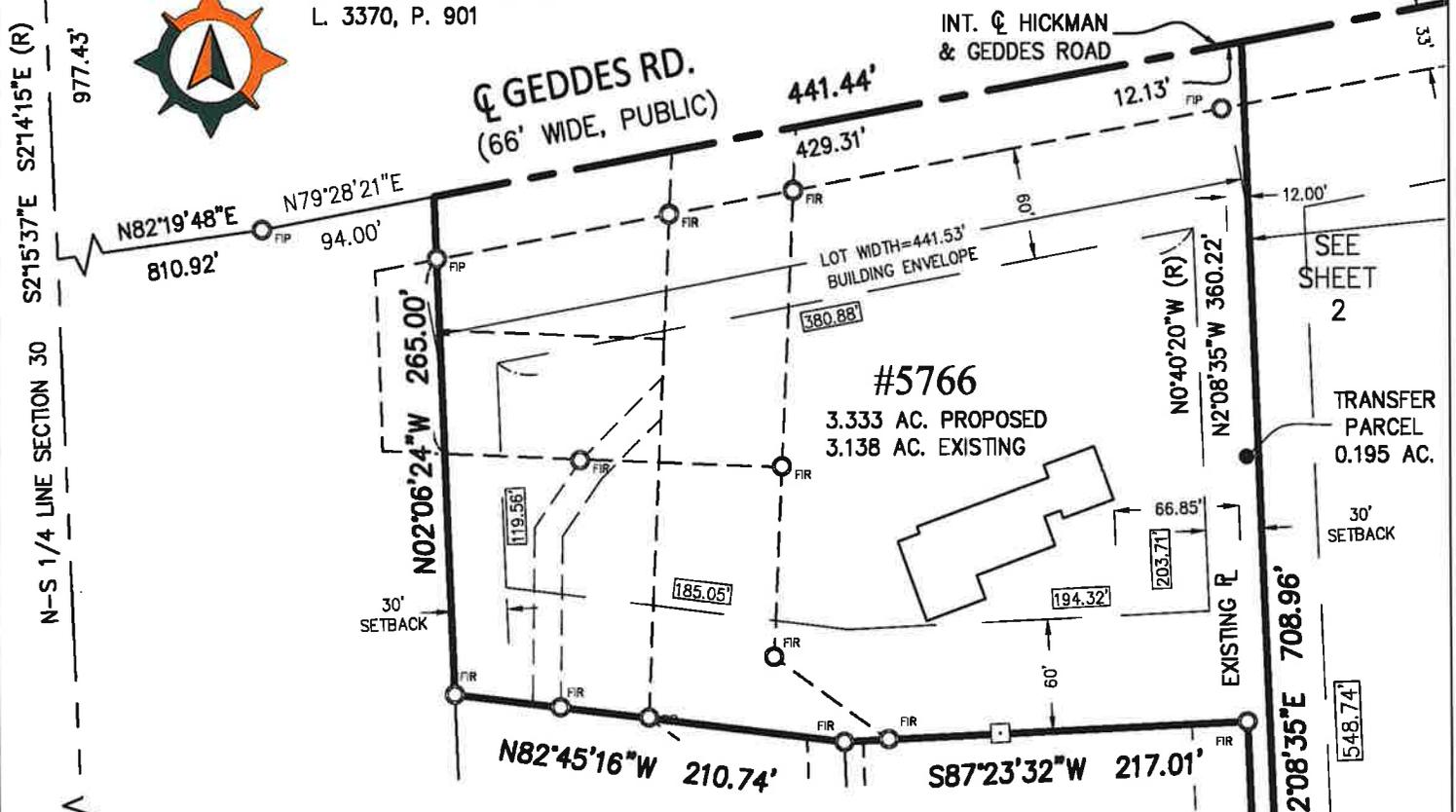
Exhibit D

BOUNDARY ADJUSTMENT SURVEY



CENTER OF SECTION 30
T2S, R7E

BEARINGS BASED ON
PRIOR SURVEY REC. IN
L. 3370, P. 901



S 1/4 COR SECTION 30
T2S, R7E
L. 4, P. 149

THE INTENT OF THIS SURVEY IS TO TRANSFER THE WEST 12 FEET OF #5800 GEDDES (PARCEL J -10-30-400-024) TO #5766 GEDDES (PARCEL J -10-30-400-055).

THE PARCELS HAVE HISTORICALLY BEEN DESCRIBED USING DIFFERENT BEARING SOURCES.

THIS SURVEY USES THE BEARINGS FOR 5766 GEDDES AS FOUND IN THE SURVEY RECORDED IN LIBER 3370, PAGE 901.

100.00' BUILDING ENVELOPE DIMENSION



CLIENT: SCHUSTER

**BOUNDARY
ADJUSTMENT SURVEY**
BETWEEN 2 PARCELS IN
SE 1/4 OF SECTION 30,
T2S, R7E
SUPERIOR TOWNSHIP,
WASHTENAW COUNTY,
STATE OF MICHIGAN.

LEGEND:

	SECTION CORNER
	FOUND IRON PIPE
	FOUND IRON ROD
	FOUND MAG NAIL
	FOUND MONUMENT
	SET IRON PIPE
	SET WOOD LATH
(R)	RECORDED
(C)	CALCULATED



6653 Schneider Rd. • Manchester, MI • 48158

(734) 669-2960 • arborlandinc.com

SCALE: 1" = 100'

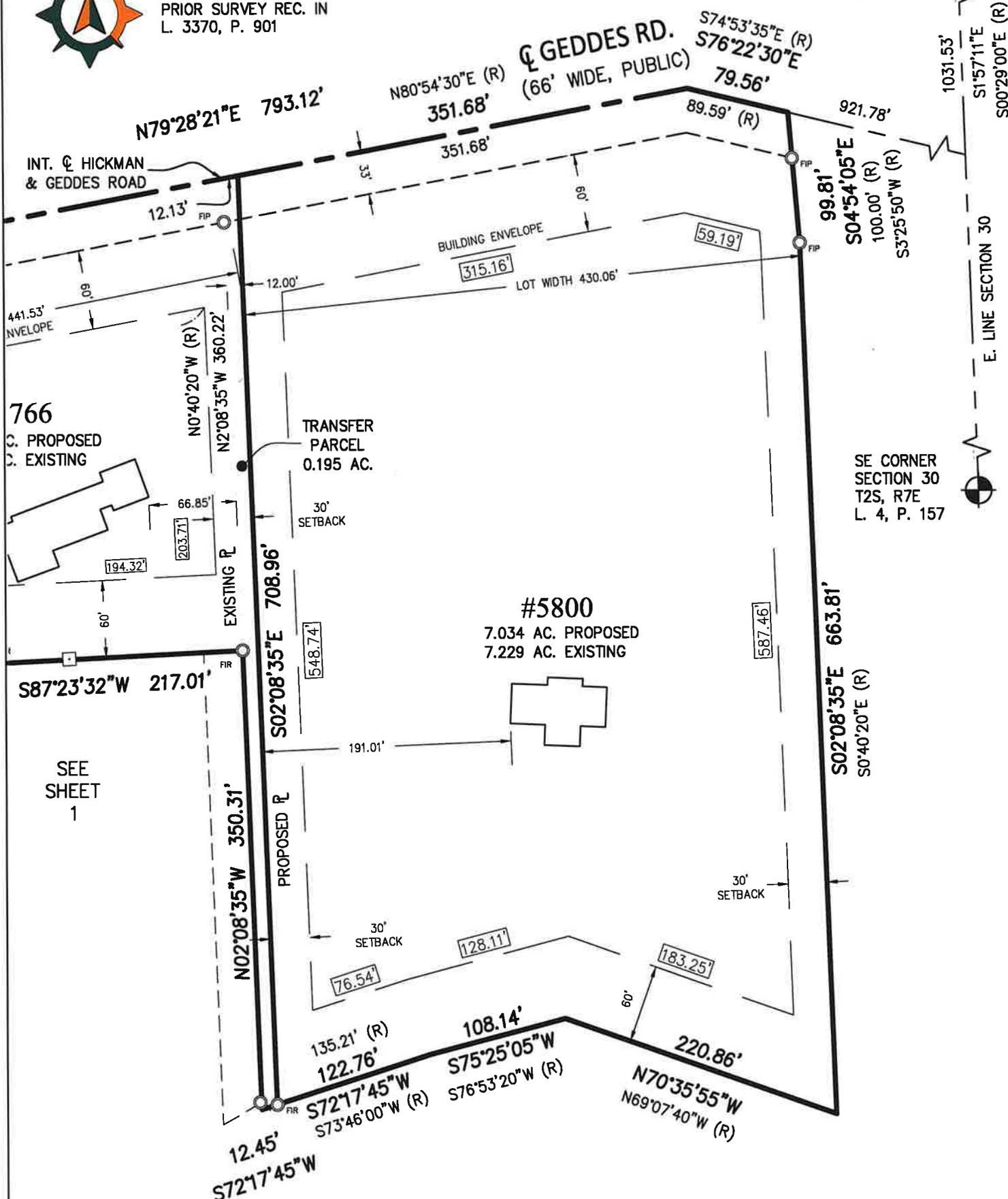
JOB NO.: 16621	DATE: 5-8-2024
FLD. BOOK: 24-2	REVISED: 10-2-2024
SHEET 1 OF 4	BY: KJG



BOUNDARY ADJUSTMENT SURVEY

BEARINGS BASED ON
PRIOR SURVEY REC. IN
L. 3370, P. 901

E 1/4 COR
SECTION 30
T2S, R7E
L. 4, P. 155



100.00' BUILDING ENVELOPE DIMENSION

CLIENT: SCHUSTER

BOUNDARY ADJUSTMENT SURVEY
 BETWEEN 2 PARCELS IN
 SE 1/4 OF SECTION 30,
 T2S, R7E
 SUPERIOR TOWNSHIP,
 WASHTENAW COUNTY,
 STATE OF MICHIGAN.

LEGEND:

- SECTION CORNER
- FIP FOUND IRON PIPE
- FIR FOUND IRON ROD
- FMN FOUND MAG NAIL
- FCM FOUND MONUMENT
- S SET IRON PIPE
- SET WOOD LATH
- (R) RECORDED
- (C) CALCULATED



6653 Schneider Rd. • Manchester, MI • 48158

(734) 669-2960 • arborlandinc.com

JOB NO.: 16621 DATE: 5-8-2024

FLD. BOOK: 24-2 REVISED: 10-2-2024

SHEET 2 OF 4 BY: KJG

SCALE: 1" = 100'

EXISTING #5800 GEDDES PER WASHTENAW COUNTY:

Beginning at the intersection of the Centerline of Geddes and Hickman Roads; thence North 80°54'30" East 363.8 feet; thence South 74°53'35" East 89.59 feet; thence South 03°25'50" West 100.00 feet; thence South 00°40'20" East 663.81 feet; thence North 69°07'40" West 220.86 feet; thence South 76°53'20" West 108.14 feet; thence South 73°46'00" West 135.21 feet; thence North 00°40'20" West 710.53 feet to the POINT OF BEGINNING.

EXISTING #5766 GEDDES:

Commencing at the Center of Section 30, Township 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan; thence South 02°14'15" East 977.43 feet along the North and South 1/4 line of said Section and the Centerline of Gale Road; thence North 82°19'48" East 810.92 feet along the centerline of Geddes Road; thence continuing along said centerline North 79°28'21" East 94.00 feet to the POINT OF BEGINNING; thence continuing along said centerline North 79°28'21" East 429.31 feet to a found iron at the centerline of said Geddes Road and Hickman Road; thence South 02°08'35" East 360.22 feet; thence South 87°23'32" West 217.01 feet; thence North 82°45'16" West 210.74 feet; thence North 02°06'24" West 265.00 feet to the POINT OF BEGINNING.

TRANSFER PARCEL:

A part of the Southeast 1/4 of Section 30, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan described as:

Commencing at the East 1/4 Corner of said Section 30; thence along the East line of said Section South 01°57'11" East 1031.53 feet; thence along the Centerline of Geddes Road North 76°22'30" West (recorded as North 74°53'35" West) 1001.34 feet; thence continuing along said Centerline South 79°28'21" West (recorded as South 80°54'30" West) 351.68 feet to the POINT OF BEGINNING; thence South 02°08'35" East 708.96 feet to a point on the bank of the Huron River; thence along said bank South 72°17'45" West (recorded as South 73°46'00" West) 12.45 feet; thence North 02°08'38" West (recorded as North 00°40'20" West) 710.53 feet to the intersection of the Centerline of Geddes Road with the Centerline of Hickman Road; thence along the centerline of Geddes Road North 79°28'21" East 12.13 feet to the POINT OF BEGINNING, containing 0.195 acres of land, more or less.

CLIENT: SCHUSTER

**BOUNDARY
ADJUSTMENT SURVEY**
BETWEEN 2 PARCELS IN
SE 1/4 OF SECTION 30,
T2S, R7E
SUPERIOR TOWNSHIP,
WASHTENAW COUNTY,
STATE OF MICHIGAN.

LEGEND:	
	SECTION CORNER
	FOUND IRON PIPE
	FOUND IRON ROD
	FOUND MAG NAIL
	FOUND MONUMENT
	SET IRON PIPE
	SET WOOD LATH
(R)	RECORDED
(C)	CALCULATED



6653 Schneider Rd. • Manchester, MI • 48158

(734) 669-2960 • arborlandinc.com

SCALE: 1" = 100'



JOB NO.:	16621	DATE:	5-8-2024
FLD. BOOK:	24-2	REVISED:	10-2-2024
SHEET 3 OF 4		BY:	KJG

PROPOSED #5800 GEDDES:

A part of the Southeast 1/4 of Section 30, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan described as:

Commencing at the East 1/4 Corner of said Section 30; thence along the East line of said Section South 01°57'11" East 1031.53 feet; thence along the Centerline of Geddes Road North 76°22'30" West (recorded as North 74°53'35" West) 921.78 feet to the POINT OF BEGINNING; thence South 04°54'05" East 99.81 feet (recorded as South 03°25'50" West 100.00 feet); thence South 02°08'35" East (recorded as South 00°40'20" East) 663.81 feet; thence along the bank of the Huron River North 70°35'55" West (recorded as North 69°07'40" West) 220.86 feet; thence continuing along said bank South 75°25'05" West (recorded as South 76°53'20" West) 108.14 feet; thence continuing along said bank South 72°17'45" West (recorded as South 73°46'00" West) 122.76 feet; thence North 02°08'35" West (recorded as North 00°40'20" West) 708.96 feet; thence along the Centerline of Geddes Road North 79°28'21" East (recorded as North 80°54'30" East) 351.68 feet; thence continuing along said centerline South 76°22'30" East 79.56 feet (recorded as South 76°22'30" East 89.59 feet) to the POINT OF BEGINNING, containing 7.034 acres of land, more or less.

PROPOSED #5766 GEDDES:

A part of the Southeast 1/4 of Section 30, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan described as:

Commencing at the East 1/4 Corner of said Section 30; thence along the East line of said Section South 01°57'11" East 1031.53 feet; thence along the Centerline of Geddes Road North 76°22'30" West (recorded as North 74°53'35" West) 1001.34 feet; thence continuing along said Centerline South 79°28'21" West (recorded as South 80°54'30" West) 351.68 feet to the POINT OF BEGINNING; thence South 02°08'35" East 708.96 feet to a point on the bank of the Huron River; thence along said bank South 72°17'45" West (recorded as South 73°46'00" West) 12.45 feet; thence North 02°08'38" West (recorded as North 00°40'20" West) 350.31 feet; thence South 87°23'32" West 217.01 feet; thence North 82°45'16" West 210.74 feet; thence North 02°06'24" West 265.00 feet to a point on the Centerline of Geddes Road, said point being located the following three (3) courses from the Center of said Section 30: 1) South 02°15'37" East 977.43 feet, 2) North 82°19'48" East 810.92 feet, and 3) North 79°28'21" East 94.00 feet; thence continuing along said centerline North 79°28'21" East 441.44 feet to the POINT OF BEGINNING, containing 3.333 acres of land, more or less.

CLIENT: SCHUSTER

**BOUNDARY
ADJUSTMENT SURVEY**
BETWEEN 2 PARCELS IN
SE 1/4 OF SECTION 30,
T2S, R7E
SUPERIOR TOWNSHIP,
WASHTENAW COUNTY,
STATE OF MICHIGAN.

LEGEND:

-  SECTION CORNER
-  FOUND IRON PIPE
-  FOUND IRON ROD
-  FOUND MAG NAIL
-  FOUND MONUMENT
-  SET IRON PIPE
-  SET WOOD LATH
-  RECORDED
-  CALCULATED



6653 Schneider Rd. • Manchester, MI • 48158

(734) 669-2960 • arborlandinc.com

JOB NO.:	16621	DATE:	5-8-2024
FLD. BOOK:	24-2	REVISED:	10-2-2024
SHEET 4 OF 4		BY:	KJG

SCALE: 1" = 100'



MEMORANDUM

TO: Superior Township Zoning Board of Appeals; Superior Township Attorney

FROM: Bodman PLC on behalf of Jean Marie and Ingrid Mouliere (the “Moulieres”), owners of property located at 5728 Geddes Road, Ann Arbor 48104 (the “Mouliere Property”)

DATE: March 28, 2024

SUBJECT: Mouliere Response to Appeal (ZBA #24-02) by Matthew Schuster and Alyssa Cairo (the “Schusters”), owners of property located at 5766 Geddes Road, Ann Arbor, Michigan 48104 (the “Schuster Property”)

BACKGROUND

On December 19, 2023, the Planning and Zoning Administrator approved a Certificate of Zoning Compliance and Building Permit submitted by the Moulieres for the completion of certain retaining walls and driveway located on the Schuster Property in relation to development of the adjacent property owned by the Moulieres.

Both the application for Certificate of Zoning Compliance and application for Building Permit were the subject of the attached “*Order Approving Application for Building Permit in accordance with Order to Enforce Final Judgment,*” which is dated December 18, 2023 and executed by the Honorable Timothy P. Connors of the Washtenaw County Circuit Court (the “Order”). Specifically, the Court ordered that the applications for building permit and certificate of zoning compliance “*is approved and Superior Township may accept and rely upon this order in lieu of a document signed by the Schusters.*”

In short, the Planning and Zoning Administrator was ordered by the Washtenaw County Circuit Court to approve the applications for building permit and certificate of zoning compliance via the Order. Should the Township have refused to approve such applications, the Township would have been in violation of the binding Order.

REVIEW OF APPEAL STANDARDS FOR ZONING BOARD OF APPEALS

First, the Zoning Board of Appeals may not overturn the approval of the Certificate of Zoning Compliance and the Building Permit, as both were ordered as “approved” by the Washtenaw County Circuit Court as set forth in the attached Order. Reversing the order of the Planning and Zoning Administrator would violate the Order. Violation of the Court’s Order may constitute a contempt of Court.

Second, and notwithstanding the Order requiring the approval of the applications, it also would be inappropriate for the ZBA to reverse the decision of the Planning and Zoning Administrator under

the Zoning Ordinance. The ZBA may only reverse an administrative decision upon “*determining that the order, requirement, decision or determination constituted an abuse of discretion; was arbitrary or capricious; or was based upon an erroneous finding of a material fact or an erroneous interpretation of the Zoning Ordinance.*” That standard is not met here. As noted above, the Planning and Zoning Administrator relied on the Order, which was the culmination of extensive litigation regarding development of the Mouliere Property and the Schuster Property. During the course of litigation and trial, the Court examined thousands of pages of evidence presented by the Schusters and the Moulieres, including the Schusters’ numerous and extensive prior appeals to the Superior Township ZBA, much of which is repeated in this application for appeal.

Additionally, the standards for issuance of a Certificate of Zoning Compliance are set forth in Section 1.07E of the Zoning Ordinance. Applications for a Certificate of Zoning Compliance need only a preliminary site plan as required by 1.07J. These are preliminary plans that need not be detailed construction drawings. The site plan submitted with the application met these standards. Separately, the Planning and Zoning Administrator (as well as numerous other Township consultants and staff) have previously reviewed an extensive amount of materials, including, but not limited to, site plans, surveys, driveway and retaining wall engineering and construction drawings, and supplemental information regarding technical issues raised by the Schusters. The Planning and Zoning Administrator has extensive historical knowledge regarding the site and access to any materials which may be required in deciding if a certificate of zoning compliance is appropriate. In fact, the Moulieres’ application has undergone more scrutiny and review than most similar applications in the Township. Understanding the historical familiarity and extensive materials which have been produced relating to this site, the Planning and Zoning Administrator’s decision was not arbitrary, capricious, or based upon an erroneous finding of a material fact or erroneous interpretation of the Zoning Ordinance. Rather, the Planning and Zoning Administrator is incredibly familiar with this site and the plans for development.

CONCLUSION

The Township, through the Planning and Zoning Administrator, is required to approve the applications for Certificate of Zoning Compliance and Building Permit in accordance with the Order. Although not relevant to understanding the Court’s explicit Order requiring the Township to approve the permits, reversing the decision of the Planning and Zoning Administrator also would be inconsistent with the standards for reversing on appeal under the Zoning Ordinance.

Order Approving Application for Building Permit in accordance with Order to Enforce Final Judgment

(See attached)

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW**

JEAN-MARIE L. MOULIERE and INGRID
D. MOULIERE,

Plaintiffs/Counter-Defendants,

v.

MATTHEWA A. SCHUSTER and ALYSSA
L. CAIRO,

Defendants/Counter-Plaintiffs.

Case No. 20-001274-CH

Hon. Timothy P. Connors

**ORDER APPROVING APPLICATION
FOR BUILDING PERMIT IN
ACCORDANCE WITH ORDER TO
ENFORCE FINAL JUDGMENT**

BODMAN PLC
By: J. Adam Behrendt (P58607)
Melissa Benton Moore (P73018)
Michelle Kolkmeier (P81355)
201 W. Big Beaver Rd., Suite 500
Troy, MI 48084
(248) 743-6000
abehrendt@bodmanlaw.com
mmoore@bodmanlaw.com
mkolkmeier@bodmanlaw.com
Attorneys for Plaintiffs/Counter-Defendants

CONLIN MCKENNEY & PHILBRICK, P.C.
By: W. Daniel Troyka (P65155)
350 S. Main Street, Suite 400
Ann Arbor, MI 48104-2131
(734) 761-9000
troyka@cimplaw.com

HONIGMAN LLP
By: Michael P. Hindelang (P62900)
Laura E. Biery (P82887)
2290 First National Building
660 Woodward Avenue
Detroit, MI 48226
(313) 465-7000
mhindelang@honigman.com
lbiery@honigman.com
Attorneys for Defendants/Counter-Plaintiffs

**ORDER APPROVING APPLICATION FOR BUILDING PERMIT IN ACCORDANCE
WITH ORDER TO ENFORCE FINAL JUDGMENT**

At a session of said Court, held in the
Washtenaw County Circuit Court, State of Michigan

on 12/18/23

PRESENT: Hon. Timothy P. Connors
Circuit Court Judge

WHEREAS, this matter comes before the Court following the Court’s entry of its “Order to Enforce Final Judgment,” dated November 30, 2023. That order states, in relevant part:

[I]n the event that Defendants/Counter-Plaintiffs refuse to cooperate in the permitting process and to sign any necessary documents, Plaintiffs/Counter-Defendants may present an order to the Court for Court approval of an application for a building permit, a variance, or other zoning relief, and the Court will enter an order such that it can be provided to the Township in lieu of a document signed by Defendants/Counter-Plaintiffs.

Plaintiffs/counter-plaintiffs Jean-Marie L. Mouliere and Ingrid D. Mouliere (collectively, “Moulieres”) have asked defendants/counter-plaintiffs Matthew A. Schuster and Alyssa L. Cairo (collectively, “Schusters”) to sign the building permit application attached as **Exhibit A** so they may complete the construction at issue in this case. The Schusters have refused to sign the building permit application.

AND WHEREAS, the Schusters agree that the form of this Order complies with the Court’s rulings, and approve the form of the Order only, and the Schusters restate their previous objections to the issuance of the permit.

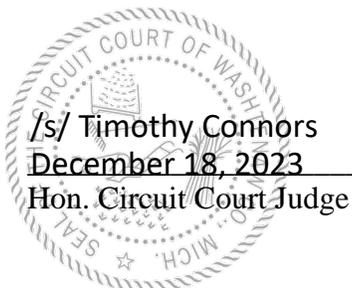
NOW, THEREFORE, having been so advised, the Court hereby orders as follows:

IT IS HEREBY ORDERED that, the building permit application attached hereto as Exhibit A is approved and that Superior Township may accept and rely upon this order in lieu of a document signed by the Schusters;

IT IS FURTHER ORDERED that the Schusters' approval of the form of this Order does not constitute acquiescence by the Schusters in the propriety of the permit.

IT IS SO ORDERED.

Dated: _____



APPROVED AS TO FORM ONLY:

BODMAN PLC

By: /s/ J. Adam Behrendt
J. Adam Behrendt (P58607)
Attorneys for Plaintiffs/Counter-Defendants

HONIGMAN LLP

By: /s/ Michael P. Hindelang
Michael P. Hindelang (P62900)
Attorneys for Defendants/Counter-Plaintiffs

Exhibit A



BUILDING PERMIT APPLICATION (revised 03-01-23)

Charter Township of Superior
3040 N. Prospect, Ypsilanti, MI 48198
(734) 482-6099

Applicant to Complete All Items in Sections I, II, III, IV and V

NOTE: Separate Applications Must Be Completed for Plumbing, Mechanical, & Electrical

I. JOB LOCATION	
Street Address of Job 5766 Geddes Rd Ann Arbor MI 48105	Project Name/Subdivision N/A

II. IDENTIFICATION				
A. OWNER OR LESSEE				
Name Matt Schuster			Address 5766 Geddes Rd.	
City Ann Arbor	State MI	Zip Code 48105	Phone 248-790-5650	Email mattaschuster@yahoo.com
B. APPLICANT INFORMATION				
<input type="checkbox"/> HOMEOWNER		<input checked="" type="checkbox"/> CONTRACTOR		<input type="checkbox"/> ARCHITECT/ENGINEER
<input type="checkbox"/> AGENT				
Name/ Company Name Snyder Contracting LLC		License Number 242200533		Expiration Date 5/31/2025
Address 8650 Huron River Dr		City Dexter	State MI	Zip Code 48130
Telephone (with area code) (734) 5454840		Email Dan@snydercontractingllc.com		
Workers Comp. Ins. Carrier Accident fund of America		Federal Employer ID # 46-0915638		

III. TYPE OF IMPROVEMENT AND PLAN REVIEW		
A. PROPOSED USE OF BUILDING AND TYPE OF IMPROVEMENT		
<input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> NON-RESIDENTIAL		
<input type="checkbox"/> New Building	<input type="checkbox"/> Addition	<input type="checkbox"/> Mobile Home
<input checked="" type="checkbox"/> Alteration	<input type="checkbox"/> Repair	<input type="checkbox"/> Demolition

IF RESIDENTIAL-describe in detail scope of work; IF NONRESIDENTIAL-describe proposed use of building, e.g. food processing plant, machine shop, laundry building at hospital, elementary school, college parking garage, rental office building. If use of existing building is being changed, enter proposed use.
Completion of retaining wall, driveway and possible fence or handrail and top of retaining wall
Wall to be made of Redi-wall cobblestone. Driveway to be gravel during construction and finished as concrete.
Fence or handrail is TBD

APPLICATION FOR BUILDING PERMIT AND PLAN EXAMINATION - PAGE TWO

IV. CHARACTERISTICS OF BUILDING										
A. TYPE OF WATER SUPPLY AND SEWAGE DISPOSAL										
<input type="checkbox"/> Public Water <input type="checkbox"/> Public Sewer	<input type="checkbox"/> Private Well <input type="checkbox"/> Septic System									
B. DIMENSION/DATA										
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><u>Floor Area</u></td> <td style="width: 30%;"><u>Alteration</u></td> <td style="width: 30%;"><u>New</u></td> </tr> <tr> <td>Basement</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>1st & 2nd Floor</td> <td>_____</td> <td>_____</td> </tr> </table>	<u>Floor Area</u>	<u>Alteration</u>	<u>New</u>	Basement	_____	_____	1st & 2nd Floor	_____	_____	Construction Cost (or submit copy of contract) <u>100,000</u>
<u>Floor Area</u>	<u>Alteration</u>	<u>New</u>								
Basement	_____	_____								
1st & 2nd Floor	_____	_____								

V. SIGNATURE				
I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT, AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE STATE OF MICHIGAN. ALL INFORMATION SUBMITTED ON OR WITH THIS APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.				
Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violator's of section 23a are subject to civil fines.				
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;"> APPLICANT SIGNATURE: </td> <td style="width: 40%; border-bottom: 1px solid black;"> DATE: 11/2/2023 </td> </tr> <tr> <td style="border-bottom: 1px solid black;"> PRINT NAME: Daniel Snyder </td> <td></td> </tr> </table>	APPLICANT SIGNATURE:	DATE: 11/2/2023	PRINT NAME: Daniel Snyder	
APPLICANT SIGNATURE:	DATE: 11/2/2023			
PRINT NAME: Daniel Snyder				

BUILDING DEPARTMENT USE ONLY			
	REQUIRED?	RECEIVED	NOTES
A. Zoning Review	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	
B. Well/Septic Permit	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	
C. Driveway Permit	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	
D. Soil Erosion	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	
E. Utility Charges	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	
F. Wetlands	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	
Data _____			
Construction Type	Use Group	Square Footage	Occupant Load
Parcel Number	Valuation		Zoning District
Approval Signature		Date	Permit Fee

SUPERIOR CHARTER TOWNSHIP
3040 NORTH PROSPECT, YPSILANTI, MI 48198
TELEPHONE (734) 482-6099 FAX (734) 482-3842

Certificate of Zoning Compliance

This application must be accompanied by a site plan which is drawn to scale and contains the following information: 1) scale, date and north point. 2) location, shape and dimensions of the lot. 3) dimensioned location, outline and dimensions of all existing and proposed structures, and location and extent of uses not involving structures.

Address of Property: 5766 Geddes Rd Ann Arbor MI 48105

Applicant Name: Daniel Snyder Snyder Contracting LLC

Address: 8650 Huron River Dr

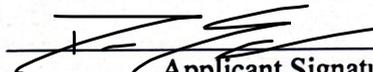
City, State, Zip Code: Dexter MI 48130

Phone Number: 7345454840 Email Address: Dan@snydercontractingllc.com

Provide a complete description of existing and intended uses of the property and structures, existing and proposed:

Completion of retaining wall, driveway and possible fence or handrail and top of retaining wall

The undersigned certifies that he/she is the owner or agent of the owner authorized to submit this application.


Applicant Signature

11/18/23
Date

Township Use Only

Parcel Number: _____

Site Plan Number: _____

Parcel Zoning District: _____

Zoning Administrator: _____

Zoning Compliance Approved

Zoning Compliance Denied

Reason for Denial: _____

ZONING BOARD OF APPEALS APPLICATION

(This application must be typewritten or printed. All questions must be answered.)

Request is hereby made for one of the following:

Variance from the requirements of the following Zoning Ordinance
Section(s): _____

Appeal of the decision of the Township Zoning Official

APPLICANT INFORMATION

Name Matthew Schuster and Alyssa Cairo*

Address 5766 Geddes Road, Ann Arbor, MI 48105

Phone Number (248) 790-5650 Email mattaschuster@yahoo.com

*Applicants are represented by Gaetan Gerville-Reache, Warner Norcross + Judd LLP, 150 Ottawa Ave. NW, Ste. 1500, Grand Rapids, MI 49503-2832.

Is the property owned by the applicant? YES NO

If "NO", what is the applicant's interest in the property? N/A

Name, address and telephone number of owner(s): N/A

DESCRIPTION OF THE PROPERTY

Address 5766 Geddes Road, Ann Arbor, MI 48105

Parcel ID# J-10-30-400-055 Parcel size 3.130 total acres

Size of the proposed building or addition, if any N/A

Use of existing building (if any) and property Completion of retaining wall, driveway and possible fence or handrail at top of retaining wall. Wall to be made of Redi-wall cobblestone. Driveway to be gravel during construction and finished as concrete. Fence or handrail is TBD.

Zoning classification of property 401 Residential - Improved

If a new building is proposed, has the Building Inspection department examined the plans for the proposed building? YES NO N/A

Has the department refused a permit? YES NO

Has there been any previous land use application involving this property? YES NO
If "YES", state the date of filing, the character of appeal and the disposition.

DESCRIBE THE REASONS FOR YOUR APPEAL

Note: The Zoning Board of Appeals is required to use the standards listed in Section 13.08(B) of the Zoning Ordinance when considering an appeal. It is recommended that applicants review these standards and consider them in preparing a description of why the variance is needed. A copy of the standards is attached to the application.

See attached.

YOU MAY WISH TO ASK YOUR NEIGHBORS TO SIGN THE FOLLOWING SECTION IF THEY HAVE NO OBJECTION TO THE APPEAL YOU ARE MAKING.

We the undersigned, as owners of property any part of which is located within 300 feet of any part of the property involved in this appeal, have no objections to the granting of the request made in this appeal:

NAME (PLEASE PRINT)	SIGNATURE	STREET ADDRESS
<hr/>	<hr/>	<hr/>

INFORMATION REQUIRED TO BE SUBMITTED WITH APPEAL

The following must attached and submitted with the application:

- Ten (10) sets of drawings, all on sheets 8 ½ inches by 11 inches or 8 ½ inches by 14 inches, drawn to scale and showing all measurements, features and structures, including the general location of all natural features on the property, measurements to show distances between structures, measurements between structures and property lines, measurements for lot width and lot area, and height of structures. Rights-of-way and easements must also be shown.
- A letter of authority, or power of attorney, in the event the appeal is being made by a person other than the actual owner of the property.
- A complete legal description of the premises (as stated on the property deed or property tax bill.)

APPLICANT'S DEPOSITION – Must be completed by applicant.

I hereby state that all of the statements and information contained in this application and the supporting documents herewith are true and correct.

Signature of applicant *Matt SGA* Date 2/16/24

Debora Malubidi Kimwanga Ngandu
Notary Public - State of Michigan
County of Washtenaw
My Commission Expires 09/29/2028

NOTARY PUBLIC – Applicant's signature must be notarized.

Sworn to before me this 16th day of February 2024

My commission expires 09/29/2028 *[Signature]*
(Notary Public, Washtenaw County, Michigan)

DEBORA MALUBIDI KIMWANGA NGANDU

To be filled in by Township Clerk (or designated Township Officer/Personnel)

I hereby state that this petition was properly received and filed on 2/16/24 (date)

Signature of Clerk (or designee)
Dana Bennett

Fee paid \$ 500.00

Notice to Applicants for the Zoning Board of Appeals

Filing Applications

You must call and schedule an appointment with the Township Zoning Official Richard Mayernik to file an application. He may be reached at the Township Office at (734) 482-6099.

Meeting Schedule

The Zoning Board of Appeals does not have a regular meeting schedule. Meetings are called whenever there is an application for a variance. Because variance requests require a public hearing, it generally takes four (4) weeks from the date an application is received until a meeting of Zoning Board of Appeals can be held. This time is needed to schedule the meeting date and to mail out notices of the public hearing.

Reasons for the Appeal

The Zoning Board of Appeals is required to use the standards listed in Section 13.08 of the Zoning Ordinance when considering the appeals. It is recommended that applicants review these standards and consider them in preparing a description of why the variance is needed.

Site Visits

Filing an application gives the implied consent for Township officials and/or consultants to visit the subject site.

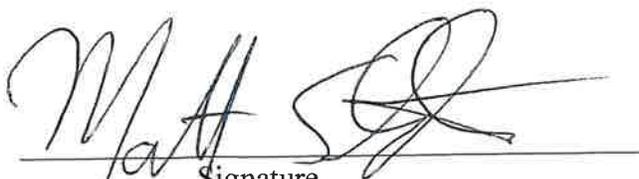
Application Fees

An application fee must be paid when you file your application. The fees are as follows:

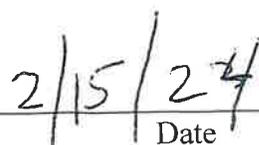
1. Appeals brought by the owner of a single-family dwelling for a variance from density and height regulations of the Zoning Ordinance = **\$175.00**
2. Any other appeal = **\$500.00**

Applicant's Acknowledgement

I hereby acknowledge that I have read and agree to the above and that I have been given a copy of this notice.



Signature



Date



Warner Norcross + Judd LLP

February 16, 2024

Superior Charter Township
Zoning Board of Appeals
3040 North Prospect Road
Ypsilanti, Michigan 48198

Re: **Zoning Board of Appeals Application**
5766 Geddes Road, Ann Arbor, Michigan, Parcel ID# J-10-30-400-055

Dear Members of the Zoning Board of Appeals,

Please accept this letter and referenced appendix as a narrative for the application signed by Matt Schuster and Alyssa Cairo, which together serve as a timely appeal by the owners of 5766 Geddes Road from the December 19, 2023, decision of the Township's Zoning Inspector to grant a certificate of zoning compliance for a building permit requested by Daniel Snyder for construction on 5766 Geddes Road. (See Appx. 79-84.)

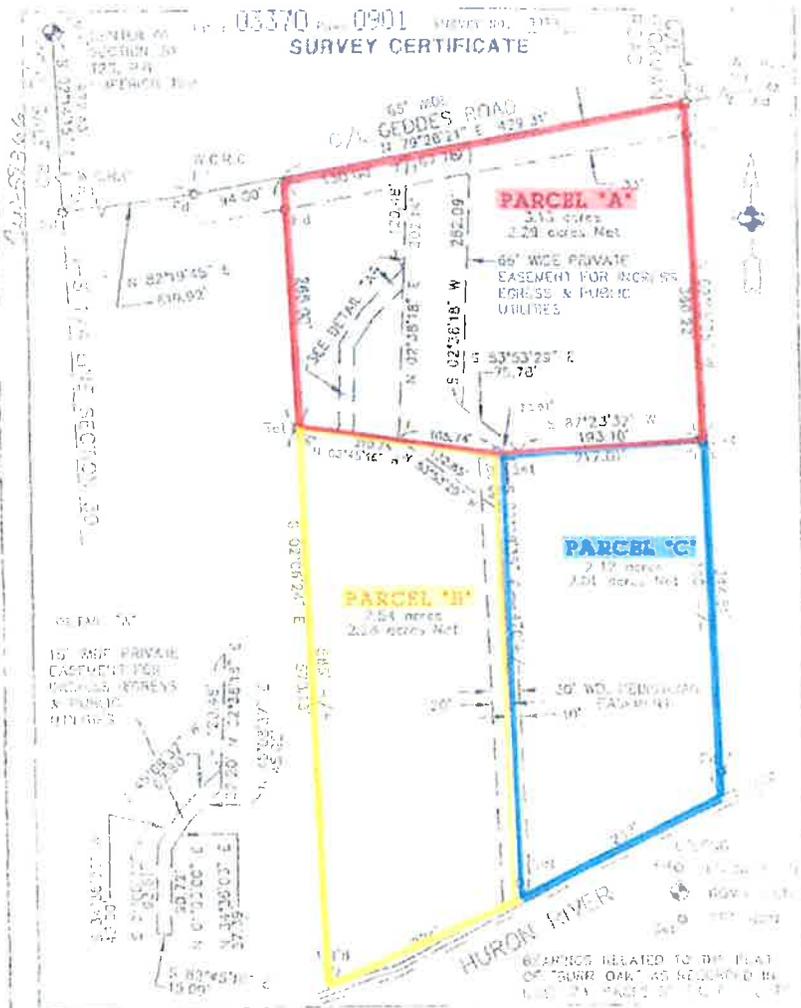
The purpose of an application for certificate of zoning compliance is to provide the Township with adequate information to determine compliance with the zoning ordinance prior to the work being performed. A proper determination of zoning compliance is critical to ensuring not just conformity with the aesthetic and dimensional requirements of the ordinance but also the safety of those using the land and adjoining residents.

It is readily apparent from review of the documents submitted (which were provided to me by the Township for the first time on January 24, 2024) that they are woefully inadequate, failing to provide even the most basic information required under the zoning ordinance for a certificate of compliance. It provides no dimensioned location, outline, or dimensions for the existing structures on 5766 Geddes Road (the lot where construction will be performed). It does not provide any information necessary to determine that it provides a safe and convenient access for emergency purposes as required under Zoning Ordinance § 3.207(B). It fails to provide the information necessary to see that steep slope cuts are involved, requiring compliance with Zoning Ordinance § 14.05(C). And the application even contradicts itself. On the one hand, it provides a drawing of retaining walls no higher than 4 feet, and on the other hand proposes to "complete" retaining walls already been constructed to a height well over 4 feet—a critical fact for determining a setback variance would be required for compliance with the Zoning Ordinance.

For all of these reasons and those detailed below, the Zoning Inspector committed an error of law and/or fact in granting the certificate of zoning compliance and that decision should be reversed.

BACKGROUND

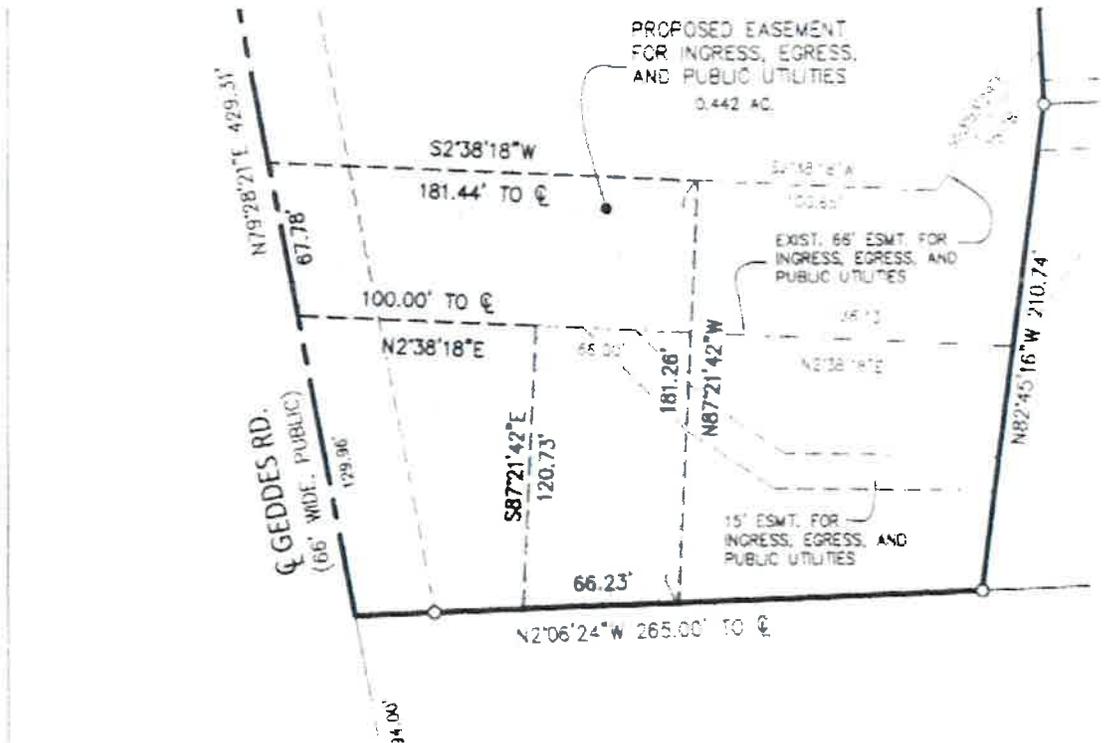
Matt Schuster and Alyssa Cairo purchased their home at 5766 Geddes Road (the "5766 Lot") in 2005. They raised their three children there and enjoyed their home without easement disputes for 13 years. Built in 1946, the Schuster home sits on the landward side of a rise above the Huron River just outside of Ann Arbor. The land between the river and the home is lush with vegetation, including numerous trees. It rises about 100 feet from the river to the hillcrest in the Schusters' backyard. The Schusters' property does not front on the Huron River but lies next to two parcels, Lots "B" and "C", that do. (See Survey Certificate, Appx. 1.)¹



¹ "Appx." refers to the Appendix filed with this ZBA Appeal, which is sequentially paginated.

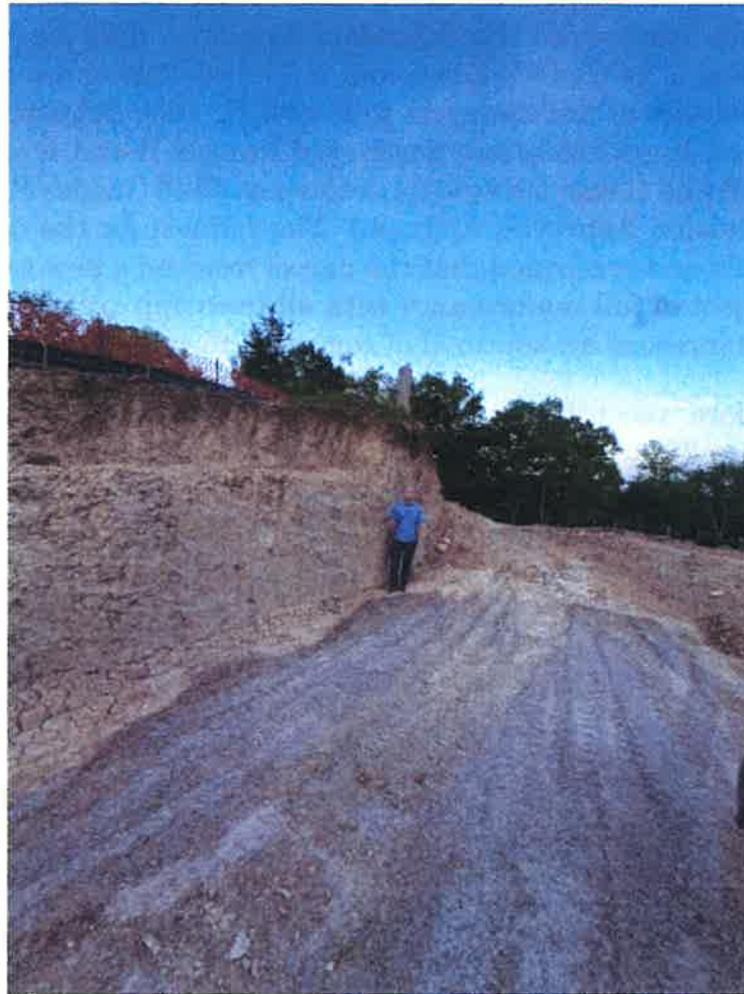
During most of the time that the Schusters have lived in their home, Lots B and C were owned by Ray and Ginny Reilly. Because Lots B and C are landlocked, the Schusters also understood when they purchased Lot A that there were easements both benefitting and burdening their property. As depicted in the survey, two easements run across the Schusters' property: a 66-foot-wide easement connecting Lots B and C to Geddes Road, and a 15-foot-wide easement that branches from the 66-foot easement and connects to Parcel B. (See Schuster Deed, Appx. 1-3.) Jean-Marie and Ingrid Mouliere purchased Parcels B and C in October 2018, combining Parcels B and C into a single lot, known as 5728 Geddes Road (the "5728 Lot"). (2018 Land Division Approval, Appx. 4.) The request for the consolidation was signed by Ray Reilly and confirmed that the parcel received a new township and County ID and was subject to full conformance with all township ordinances in force at the time and did not represent an approval of zoning conformance or site build-ability.

More recently, another easement was granted on 5766 Geddes Road in November 2021 that overlaps in part with the 66-foot-wide easement that serves the 5728 Lot. (Karnani Easement, Appx. 5-8.) That easement is likewise 66-feet wide and serves the residence at 5668 Geddes Road (the 5668 Lot), currently owned by Aneel Karnani, as shown below.



In consultation with their landscape architect, the Moulieres chose to construct an 11,000 square foot mansion into the steep slope hillside and carve a 12-foot-deep trench through the hillside on the Schusters' property. To stabilize the side of the Moulieres' trench across the Schusters' property, the Moulieres planned to construct retaining walls.

Here's what the trench looked like on the Schusters' land before the Moulieres built their retaining walls (with Mr. Schuster who is six-foot-one-inch tall to show scale):



For more than a year, the Moulieres left the trench on the Schusters' property completely unsupported. They were cited by the Township for dangerous slopes and compelled by the Township to install fall protection due to the unprotected hazards. (10.06.2021 Mavernik letter, Appx. 85.) They then proceeded to illegally construct a series of retaining walls on the Schusters' property—17 feet high in total—that each ranged from 4.5 feet to 7.5 feet tall from the grade at the face of the retaining wall to the top of the wall. (Retaining Wall Measurements, Appx. 9-10; see 4.10.2023 Gibb-Randall Testimony, Appx 70.) Below is a photograph of the Schusters standing at the bottom and the top of the stacked retaining walls at their property line, demonstrating the height of the retaining walls:



Even though the retaining walls required a building permit under Michigan statute, the Moulieres never obtained a permit to perform any construction on the Schusters' property before they steamed ahead with the project on their neighbors' land. The Superior Township Building and Zoning Department issued a permit for the Moulieres to build retaining walls, but the permit application was only for the Moulieres' property—not the Schusters' parcel. (See 2021 Building Permit Appl., Appx. 11-18.) The Moulieres' contractor attested under oath that he had obtained all necessary building permits for the Schuster parcel to construct the access, and the Township's former zoning and building official echoed that representation in support of approving the 5728 Geddes Site Plan. (Washtenaw Cir. Ct. Case No. 20-001274, Snyder Aff. ¶ 8; Washtenaw Cir. Ct. Case No. 22-1590-AV, Twp Appellee Br 13.) After the Schusters challenged the construction on their property without a permit—a permit that required the Schusters' approval²—Superior Township issued a stop-work order. (See 4.11.23 Snyder Testimony, Appx. 22; see Photo of Stop-Work Order, Appx. 23.) But by that time, the illegal retaining walls were almost fully built. The absence of any permitting on the Schuster parcel was confirmed by the Washtenaw County Construction Board of Appeals on September 9, 2022. (2022-09-09 CBA Decision, Appx. 24.)

² Under MCL 125.1510(1) only a property owner or the owners' agents can obtain a permit to build on a property.

As a result, the Moulieres' contractor, Daniel Snyder, has now applied for a building permit and certificate of zoning compliance for "completion of retaining wall, driveway and possible fence or handrail and top of retaining wall" that were initially constructed illegally on the Schuster's lot. While Mr. Snyder has signed the applications representing to Superior Township that he is "the owner or agent of the owner authorized to submit this application," neither Matt Schuster nor Alyssa Cairo ever personally authorized Daniel Snyder to operate as their agent or submit these applications on their behalf. Instead, the Washtenaw County Circuit Court, over the objections of the Schusters, entered an order that permits the Township to "rely upon this order in lieu of a document signed by the Schusters." (See Court Order, Appx. 25-27.)

Nothing in the court's order or any prior ruling of the court in the dispute between the Moulieres or appeals from the Township's earlier decisions overrides the Township's ordinances or state law, the decision-making authority of the Township's Building Inspector or Zoning Inspector, or the authority of the Zoning Board of Appeals to decide the issues presented in this appeal in accordance with the law. The Township is obligated to follow the law in deciding whether or not to grant the certificate of zoning compliance and what it will require from the applicant to make that decision.

Accordingly, the court's order should not be construed as prejudicing or usurping that administrative process and the Township's decision-making authority and duty. The court allowed Daniel Snyder to also apply for a variance on the Schuster parcel—which the Moulieres' own landscape architect said was required—but he declined to do so. The Township—through this ZBA—retains primary jurisdiction to make zoning determinations in the first instance. By the same token, the court's order "does not constitute acquiescence by the Schusters in the propriety of the permit." (Appx. 27.) The Schusters accordingly may be considered aggrieved by the granting of a certificate of zoning compliance and permit on their own property, to which they object.

ARGUMENT

I. A Certificate of Zoning Compliance should not have been approved because the Plot Plan does not satisfy all of Section 1.07(J)(3)'s requirements.

The Zoning Inspector based its grant of a zoning certificate of compliance on an erroneous interpretation of the Zoning Ordinance, as the application on its face does not conform to all the requirements of the Ordinance. First, it fails to include a plot plan that shows the scale or a "[d]imensioned location, outline, and dimensions of all existing and proposed structures." ZO § 1.07(J)(3). Second, the certificate of zoning compliance application provides no "clear and complete description of existing and intended uses of all structures, existing or proposed." ZO § 1.07(J)(4). Third, it

fails to provide any of the information necessary to determine whether the proposed access drive being constructed provides a safe and convenient access for emergency purposes as required by Section 3.207(B). Finally, the application does not provide information necessary to determine whether the construction fully complies with Section 14.05(C) governing slopes from 12% to 25%, which were present at the location of the as-built retaining walls.

Applications for Certificates of Zoning Compliance “shall include a site plan as required in Section 1.07J (Site Plan), and *all information necessary to determine zoning compliance.*” ZO § 1.07(A) (emphasis added). Under Section 1.07(J), “[i]f a site plan is not required under Article 7.0 or Article 10.0, two (2) copies of a plot plan, drawn to scale and containing the following information, shall be submitted:

1. Scale, date, and north point.
2. Location, shape, and dimension of the lot.
3. Dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
4. A clear and complete description of existing and intended uses of all structures, existing or proposed.
5. Additional information as required by the Zoning Inspector for purposes of determining compliance with this Ordinance.

“If the application or plans do not conform to all of the requirements of this Ordinance, the Zoning Inspector shall reject the application in writing, stating the reasons therefore, within 15 calendar days of filing.” ZO § 1.07(F)(1).

The plot plan submitted by Daniel Snyder (“Plot Plan”) (Appx 83) does not comply with these requirements and should have been rejected for the following reasons:

- A. ***The Plot Plan provided to the Township does not show the “[d]imensioned location, outline, and dimensions of all existing and proposed structures.” ZO § 1.07(J)(3).***

One of the straightforward requirements for a plot plan is that it must show the existing and proposed structures in an outline format with all dimensions and at their dimensioned locations. Recall that Daniel Snyder has applied for a certificate of zoning compliance and building permit for the 5766 Lot, owned by the Schusters. Yet the Schuster home is not outlined on the Plot Plan (Appx. 83), nor are any of the other structures on the 5766 Lot, including:

1. Existing retaining walls partially constructed illegally by Daniel Snyder, with height, distances from lot line and other structures. [See Retaining Wall Photos, supra] (Retaining walls are structures, as explained further below.)

2. Concrete structures on the Schuster parcel above the existing retaining walls which will eventually be used to create a berm. (Concrete Block Photos, Appx. 21, 28.)

These are not inconsequential oversights. As discussed below, the application states that it is for completion of retaining walls that were previously partially built (hereafter, the “as-built retaining walls”). Had the as-built retaining walls been shown dimensionally, it would be apparent that they are different from what is proposed in the Plot Plan. The walls listed show only dimensions of 4 feet for the walls. The actual walls all exceed 4 feet in height, both from a basic exposed wall measurement and, more importantly, from the Building code measurement method to the bottom for foundation, where the walls are 7.5, 6, and 4.5 feet tall respectively. Indeed, if they were not over 4 feet in height, Mr. Snyder would not be requesting the at-issue certificate of zoning compliance for a building permit.

Compare this to the information provided for 5728 Geddes Road on the Plot Plan. What Daniel Snyder essentially provided was a plot plan for 5728 Geddes Road, not a plot plan for 5766 Geddes Road. The application states that it is seeking a certificate of zoning compliance for 5766 Geddes Road. A proper plot plan for 5766 Geddes Road is required.

B. The certificate of zoning compliance application provides no “clear and complete description of existing and intended uses of all structures, existing or proposed.” ZO § 1.07(J)(4).

The only intention expressed on the application regarding the as-built retaining walls is that the applicant will “complete construction.” This raises questions as to whether Daniel Snyder’s intention is to construct walls as proposed in the Plot Plan or simply complete the walls already constructed, which would not conform to the Plot Plan. If this is a clear and complete description of the intended use of the existing retaining walls, then the application fails to provide a plot plan that shows the retaining walls for which construction will be completed. Such information is necessary to determine what is proposed to be constructed and determine its compliance. If the intended use of the existing retaining walls is not to use them as built for the purpose of completing construction of retaining walls proposed on the Plot Plan, then the application fails to provide the description of the intended use of the existing retaining walls as required by Section 1.07(J)(4).

The application also fails to describe the use of the driveway. It will not only be used for ingress and egress by the Moulieres from the 5728 Lot but also may be used to serve the 5766 Lot and the residence at the 5668 Lot, owned by Aneel Karnani. (Karnani Easement, Appx. 5-8.)

C. *The certificate of zoning compliance application provides none of the information necessary to determine whether the proposed access drive provides a safe and convenient access for emergency purposes as required by Section 3.207(B).*

Section 3.207(B) provides: “Every building and structure located or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on lots as to provide safe and convenient access for emergency purposes and fire protection vehicles.” The driveway at issue is the only means of access for the 5728 Lot and must therefore provide safe and convenient access for emergency purposes and fire protection vehicles.

Ordinance No. 190 establishes standards for what constitutes safe and convenient access for emergency purposes and fire protection vehicles by incorporating the International Fire Code, 2012 Edition, including Appendix Chapters A, B, C, D, E, and G, as published by the International Code Council. Superior Township Ordinance No. 190.02. That code, in turn, imposes a requirement that new buildings must be accessible by “an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds.” International Fire Code, D102.1.

The application for certificate of zoning compliance and its accompanying documents do not provide any information showing that the proposed driveway and adjacent retaining walls are capable of supporting such weight. No load-bearing calculations on the driveway are provided. Indeed, the Moulieres’ engineer admitted the driveway was not designed to carry a fire truck. (4.11.2023 Ghussaini Testimony, Appx. 77-78.) The Township’s former zoning and building official, Mr. Mayernik, previously advised this Board and the Moulieres that he expected them to consult with the fire chief (9.29.2021 ZBA Minutes Corner Lot Annotated, Appx. 35), but they never did (Snyder Testimony, Appx 65). The fire chief explained under oath that this driveway is to provide access for a fire truck. (Appx. 57-65.)

D. *The application does not provide information necessary to determine full compliance with slope regulations in Section 14.05(C).*

Other provisions of the Zoning Ordinance have equal bearing here, such as Section 14.05(C) governing slopes. These standards apply to the access drive being constructed by Mr. Snyder because it constitutes a private road under Ordinance No.

163 and the slopes affected by the construction are greater than 12%. However, the certificate of zoning compliance application fails to provide the information necessary to determine compliance with Section 14.05(C) for the following reasons:

1. The standards of Section 14.05(C) apply to the driveway and retaining walls proposed in the Plot Plan.

The standards of Section 14.05(C) “shall . . . apply to development of a private road under the Township’s Private Road Ordinance (Ord. No. 163).” The Private Road Ordinance defines a “private road” as a “road, street, or driveway serving two or more residential properties under private ownership which has been constructed for the purpose of providing access to adjoining property which has not been accepted as a public road by the Washtenaw County Road Commission.”

The access drive shown on the Plot Plan meets this definition. It is either a “road, street, or driveway” and would serve three adjoining residential properties—the 5728 Lot, 5766 Lot, and 5668 Lot. For instance, the 5766 Lot has the right to apply for a permit to construct another garage on the lot and to use the access drive to access that garage. And the 5668 Lot has a vehicular access easement that would be served by the access drive. (Karnani Easement, Appx. 5-8.)

The easements meet the Private Road Ordinance’s definition of a “right-of-way.” A right-of-way is defined in Ordinance No. 163 as “[t]he right of an owner of property by reasons of such ownership, to use the property of another for purposes of ingress egress, utilities, drainage and similar uses. In the context of this Ordinance, private right-of-way shall be designated for purposes of vehicle ingress and egress.” Superior Twp. Ord. No. 163 § 163.02. The easements on the 5766 Lot provide vehicular ingress and egress to the 5728 Lot and the 5668 Lot.

While there is an exemption to the Private Road Ordinance for right-of-ways and drives that existed prior to the enactment of the ordinance in 2004, that exemption does not apply to the right-of-way and drive at issue here for three reasons:

First and foremost, the “drive” being constructed did not exist prior to enactment of the ordinance in 2004, as it has not even been constructed yet. It must therefore conform with all the Private Road Ordinance’s requirements for drives.

Second, the exemption for pre-existing right-of-way does not apply if “additional lots are connected to the private road.” Superior Twp Ord. No. 163 § 163.02. Here, the Karnani lot was connected to the private road via an additional right-of-way granted in 2021.

Third, the 5728 Lot did not exist in 2004. (4.11.2023 Mayernik Testimony, Appx 44.) Two separate lots existed. Those were merged in 2018 into a new single lot.

2. The application materials fail to show that the construction requires a cut into slopes greater than 12%, which are regulated under Section 14.05(C).

“Land areas with slopes of at least twelve percent (12%) but less than twenty five percent (25%)” are subject to a number of requirements. ZO § 14.05(C)(3). “[Structures]³ may be built into such slopes, subject to the applicable requirements of the State Construction Code, other Township ordinances, and Township engineering standards.” ZO § 14.05(C)(3)(a). The topographical information provided in the Plot Plan provides no readable scale from which the grade of the original slopes can be determined. This information is necessary to determine compliance with the Zoning Ordinance. A higher definition version of the Moulieres’ plot plan drawing combined shows the slopes are indeed greater than 12%. (See Updated Site Plan, Appx. 45; Slope Calculations, Appx. 46.)⁴ Note that the driveway on the 5766 Lot is 14 feet wide.

3. The application materials do not show compliance with Ordinance No. 190, which is required under Section 14.05(C).

The standards in Zoning Ordinance § 14.05(C) incorporate by reference the State Construction Code, other Township ordinances, and the Township’s Engineering Standards and require compliance with their applicable provisions. This means the proposed construction would need to comply with the emergency access safety provisions of Ordinance No. 190 for yet another reason. To determine whether the application complies with Section 14.05(C), information must be provided to show compliance with those other legal authorities.

Again, the Fire Code imposes a requirement that new buildings must be accessible by “an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds.” International Fire Code, D102.1. The access under review is for the purpose of access to the Moulieres’ new residence and therefore must comply with this provision.

II. The as-built retaining walls intended to be “completed” do not comply with the Zoning Ordinance setback requirements.

If the intention for the existing retaining walls is to merely complete their construction rather than reconstruct in accordance with the Plot Plan, then the Certificate of Zoning Compliance must be denied because the walls are not shown on

³ The word “building” when used in the Zoning Ordinance includes the word “structure.” ZO § 17.02(7).

⁴ The slope calculations were prepared using <https://gisappsecure.ewashtenaw.org/mapwashtenaw/>

the Plot Plan and completion of those retaining walls as built would violate the Zoning Ordinance. First, completing construction of the existing retaining walls would violate the Zoning Ordinance for all of the reasons give above for why the walls actually shown on the Plot Plan are not an authorized use. Second, the walls exceed four feet in height in a rear yard setback, in violation of Section 3.205.

“New lots created, new structures erected, and alterations to existing structures after the effective date of adoption or amendment of this Ordinance shall comply with all applicable dimensional standards of this Ordinance.” ZO § 3.205. “No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located.” ZO § 3.205(1). “The following structures may be located within any required yard setback area: open and unroofed terraces, and patios; awnings; flag poles; hydrants; trellises; recreation equipment; outdoor cooking equipment; sidewalks; trees, plants, shrubs, and hedges; solid fences, screens, or walls less than four (4) feet in height; fences, screens, or walls having at least fifty percent (50%) of their surface area open when viewed from the perpendicular; and mailboxes.” ZO § 3.203(G).

The as-built retaining walls are in the “rear yard.” A “yard” is “[a]n open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein (see “Yard Terms” illustration).” ZO § 17.03(235). A “rear yard” is “[t]he yard directly opposite the designated front yard; or an open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.”

They are also a “structure,” which the Zoning Ordinance defines as: “Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas and patios.” ZO § 17.03(207). The Township’s own zoning official has testified under oath that a retaining wall fits this definition of a “structure.” (Bennett Testimony, Appx. 50.)

There should be no need to argue that the retaining wall is not a sidewalk or paving on a road, driveway, parking area or patio—it should be obvious. But because the argument has been made before, the issue will be addressed.

Consider the definitions of those terms. A “road” is defined as a “public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent land.” A “way” is commonly understood to be a “passage or path.” Black’s Law Dictionary (11th ed. 2019). The common meaning of “thoroughfare” in

this context is similar: “a way or place for passage: such as a: a street open at both ends b: a main road.” Merriam-Webster.com Dictionary.⁵ A “driveway” is a “hard-surfaced access connecting parking space for motor vehicles with a road or alley, and permitting ingress and egress of a motor vehicle.” The Zoning Ordinance does not define “access” but its ordinary meaning is “a way or means of entering or approaching.” Merriam-Webster.com Dictionary, <https://www.merriam-webster.com/dictionary/access>. Accessed 2/13/2024. Relatedly, the Zoning Ordinance defines “access drive” as a “[p]rivate way or improvement designed to provide a physical connection for vehicles from a public road to a developed site.” ZO § 17.03(1).

A retaining wall fits none of these definitions. A retaining wall’s purpose is not to pave a way, passage, access, means of entering or approaching. That is the purpose of the paved access drive shown on the Plot Plan separate from the retaining walls. The purpose of a retaining wall is to screen and support unsightly earth. Accordingly, retaining walls are identified and treated separately from streets, drives, and rights-of-way in the Zoning Ordinance. *See* ZO § 5.205(B)(8)(c)(13), (21).⁶

It should also be obvious that a retaining wall is a “wall,” as its name indicates. Nothing in the Zoning Ordinance suggests otherwise. The retaining walls therefore must be less than 4 feet in height in a rear yard.

The as-built retaining walls are greater than four feet in “height.” If they were not, then Mr. Snyder would not be seeking a certificate of zoning compliance for a building permit for the retaining walls, since a building permit is only required such walls are greater than four feet in height (2022-04-04 Mayernik Letter, Appx. 52.)

The height of a structure is generally measured from the grade to the top of the structure, except where specific rules apply. *See, e.g.,* ZO § 17.03(91), (97). The “grade” is “[a] reference plane representing the average of the finished ground level adjoining the [structure] at all exterior walls established for the purpose of regulating the number of stories and the height of [structures]. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the [structure].” ZO § 17.03(91). The “face” of a retaining wall is the exterior portion of the wall. *See, e.g.,* Twp. Engineering Standards. This height standard is consistent with the Building Code. MAC R. 408.30505 (“A retaining wall that is not more than 4 feet (1 219 mm) in height measured from the bottom of the footing to the top of the wall”); *see* MCL 125.3201 (“Except as otherwise provided under this act, the regulations shall be uniform for each class of land or buildings, dwellings, and structures within a district.”).

⁵ Available at <https://www.merriam-webster.com/dictionary/thoroughfare>. Accessed 2/13/2024.

⁶ If it were pavement, it would still be a structure under Section 6.08, because it is in the Schuster lot’s rear yard and is more than 18 inches above grade. *See* ZO § 17.03(235) (defining “Rear Yard”); *id.* § 6.08.

The only special rule applicable here is that “[w]here a [structure]⁷ is located upon a terrace, the height may be measured from the average grade of the terrace at the [structure] wall.” ZO § 17.03(97). Some of the walls are properly considered to be located on a terrace created by the retaining wall below.⁸

The height of the as-built retaining walls exceeds four feet when properly measured from grade at the face of the retaining wall to the top, which is why Daniel Snyder had to apply for a building permit to construct them. (See Retaining Walls Measurements, Appx. 9-10; 4.10.2023 Gibb-Randall, Appx 70); see MAC R. 408.30505.

III. If the retaining walls are “accessory structures” but not “walls,” then the as-built and as-proposed retaining walls still do not comply with the Zoning Ordinance.

Finally, in the off chance the Board were to disagree with any of the arguments above that the retaining walls are (a) not accessory structures or (b) walls, then it should be noted this does not change the result. The retaining walls as proposed and as built still violate the Zoning Ordinance. First, if the retaining wall is not a “wall,” then it is not permitted in the rear yard setback, unless it is an “accessory structure.” But even if it is an “accessory structure,” it violates a different set of setbacks. “In the Rural, Rural Residential, and Urban Residential Districts, detached accessory structures shall be set back behind the rear line of the principal building, and shall be set back a minimum of five (5) feet from interior side or rear property lines” except in certain circumstances that do not exist here. ZO § 6.03(1). The retaining walls as built and as proposed span both parcels and therefore obviously encroach on the five-foot setback. No matter what, a variance would be required for the as-built walls to comply with the Zoning Ordinance.

CONCLUSION & RELIEF REQUESTED

For the reasons given above, the Zoning Inspector erred as a matter of law and/or fact in determining that the application satisfies the requirements for granting a certificate of zoning compliance, as the application on its face does not provide the information required for the Plot Plan and does not provide the information necessary to determine compliance with applicable Zoning Ordinance provisions. The Board

⁷ Again, the word “building” when used in the Zoning Ordinance includes the word “structure.” ZO § 17.02(7).

⁸ Article 6 contains a special rule describing how to measure the height of a retaining wall for purposes of determining whether it also qualifies as a “fence” and is subject to the requirements of Article 6. ZO § 6.01(B)(6)(C). The issue here is whether the retaining wall complies with Section 3.203(G), which has nothing to do with whether it serves the same function as a fence. No one is claiming that these retaining walls must comply with the regulations governing fences.

should reverse the approval of Daniel Snyder's certificate of zoning compliance for the 5766 Lot.

Very truly yours,



Gaëtan Gerville-Réache

GGR/sra

211702.212197 #30070358

Superior Charter Township
Zoning Board of Appeals
3040 N. Prospect Road
Ypsilanti, MI 48198

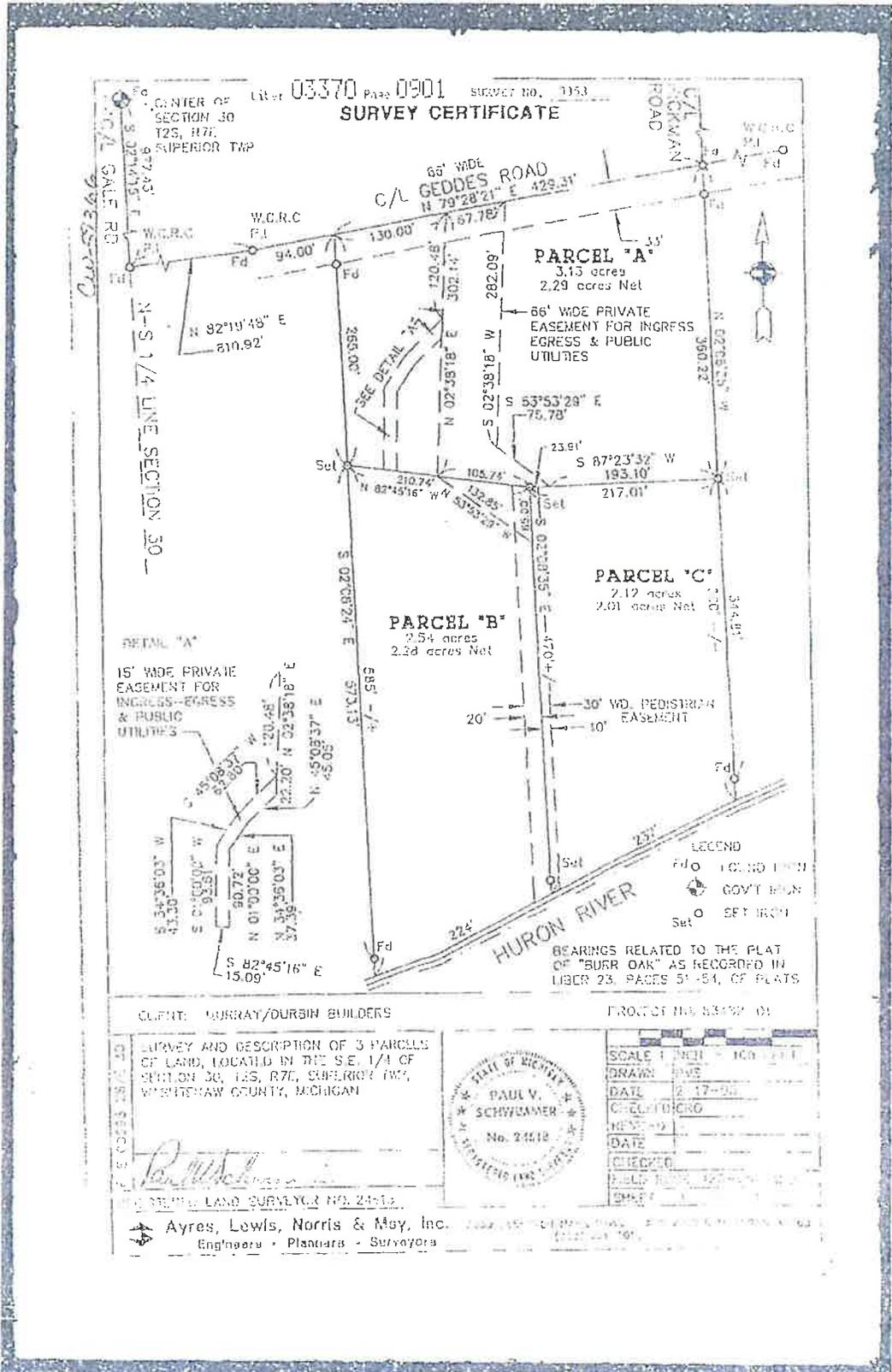
Re: 5766 Geddes Road, Parcel ID# J-10-30-400-055

APPENDIX

TABLE OF CONTENTS	
Document	Page
Survey Certificate	1
Schuster Deed	2
2018 Land Division Approval	4
11-09-2021 Karnani Easement	5
Retaining Wall Measurements	9
2021 Building Permit Application for 5728 Geddes Road	11
04-11-2023 D. Snyder Trial Testimony	22
07-02-2021 Stop Work Order	23
09-09-2022 CBA Decision	24
12-18-23 Order Approving Application for Building Permit	25

09-29-2021 ZBA Minutes	29
04-11-23 R. Mayernik Trial Testimony	38
Updated Site Plan for 5728-5766	45
Slope Calculation	46
04-12-23 L. Bennett Trial Testimony	47
04-04-2022 R. Mayernik Correspondence	52
04-11-2023 V. Chevrette Trial Testimony	53
04-10-23 S. Gibb-Randall Trial Testimony	66
04-11-23 M. Ghussaini Trial Testimony	71
12-19-23 Building Permit and Certificate of Zoning Compliance	79
06-10-21 R. Mayernik Correspondence	85

211702.212197 #30063386



Plaintiffs' Exhibit B

Mouliere 000008



OFFICIAL SEAL

07/28/05
L-4495 P-719

Washtenaw Co., MI
Lawrence Kestenbaum
Clerk Register

Page: 1 of 2



WARRANTY DEED - CORPORATION (Statutory Form)

Know all persons by these presents that Fifth Third Mortgage, by M.D. Webb and Associates, Inc., a California corporation, its attorney in fact, whose address is 5050 Kingsley, Cincinnati, OH 45263, convey(s) and warrant(s) to Matthew A. Schuster and Alyssa L. Cairo, Husband and Wife, whose address is 299 Westchester Way, Birmingham, MI 48009, the following described premises:

Land situated in the Township of Superior, County of Washtenaw, State of Michigan, described as:

SEE ATTACHED LEGAL DESCRIPTION - EXHIBIT "A"

Property I.D. No. (J) 10-30-400-055

Commonly known as: 5766 Geddes Rd.

For the full consideration of One and 00/100 (\$1.00), subject to existing building and use restrictions, easements and zoning ordinances of record, if any. REAL ESTATE TRANSFER TAX VALUATION AFFIDAVIT FILED.

Dated: 05/11/2005

WASHTENAW COUNTY TREASURER
TAX CERTIFICATE NO. 3248100

Fifth Third Mortgage

By: Douglas Battin
M.D. Webb & Associates, Inc., its attorney in fact
By: **Douglas Battin**
Its: **Vice President**

STATE OF ~~CALIFORNIA~~ Ohio)
County of Hamilton) ss.

The foregoing instrument was acknowledged before me this 11th day of May, 2005, before me, a Notary Public in the State of California, personally appeared Douglas Battin, known to me to be the person whose name is subscribed to the within Warranty Deed and to be a Vice President of said company, acting as the attorney in fact for Fifth Third Mortgage, and acknowledges that he/she executed the same on behalf of such corporation for the purposes therein contained; the proper corporate seal was affixed; and this document was signed and delivered by the corporation as its voluntary act and deed by virtue of authority from its board of directors.

* OF M.D. WEBB & ASSOCIATES, INC.

Angela Eiser
Notary Public
County, Hamilton ~~California~~
Acting in Washtenaw County
My commission expires on: 12/19/2007



ANGELA EISER
Notary Public, State of Ohio
My Commission Expires
December 19, 2007



Instrument drafted by:
Andrew Komblevitz
301 W. Michigan Ave., Suite 102
Ypsilanti, MI 48197

When recorded return to:
Matthew A. Schuster and Alyssa L. Cairo, Husband and Wife
299 Westchester Way
Birmingham, MI 48009

Recording Fees: \$ 18.00

County Transfer Tax \$

State Transfer Tax: \$

12

1142121

Return To:
Recordoc, LLC
42660 Woodward Ave., Suite 115
Bloomfield Hills, MI 48304

TTQB

Plaintiffs' Exhibit C

Mouliere 000012



EXHIBIT "A" – LEGAL DESCRIPTION

CT File No.: 20040307-CT

Land situated in the Township Superior, County of Washtenaw, State of Michigan described as:

Parcel A:

Commencing at the center of Section 30, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan; thence South 02 degrees 14 minutes 15 second East, 977.43 feet along the North and South 1/4 line of said Section and centerline of Gale Road as shown on the plat of "Burr Oak" Subdivision, as recorded in Liber 23 of Plats on Pages 51-54, Washtenaw County Records; thence North 82 degrees 19 minutes 48 seconds East, 810.92 feet along the centerline of Geddes Road (formerly Potawatomie Trail); thence continuing along said centerline North 79 degrees 28 minutes 21 seconds East, 94.00 feet for a Place of Beginning; thence continuing along said centerline North 79 degrees 28 minutes 21 seconds East, 429.31 feet to a found iron at the intersection of said Geddes Road and Hickman Road; thence South 02 degrees 08 minutes 35 seconds East, 360.22 feet; thence South 87 degrees 23 minutes 32 seconds West, 217.01 feet; thence North 82 degrees 45 minutes 16 seconds West, 210.74 feet; thence North 02 degrees 06 minutes 24 seconds West, 265.00 feet to the Place of Beginning, being a part of the Southeast 1/4 of said Section 30. Subject to the rights of the public over the Northerly 33.00 feet thereof as occupied by Geddes Road.

Also subject to a 66 foot wide private easement for ingress, egress and public utilities described as follows: Commencing at the center of Section 30, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan; thence South 02 degrees 14 minutes 15 seconds East, 977.43 feet along the North and South 1/4 line of said section and centerline of Gale Road as shown on the plat of "Burr Oak" Subdivision, as recorded in Liber 23 of Plats, Pages 51-54, Washtenaw County Records; thence North 82 degrees 19 minutes 48 seconds East, 810.92 feet along the centerline of Geddes Road (formerly Potawatomie Trail); thence continuing along said centerline North 79 degrees 28 minutes 21 seconds East, 224.00 feet for a Place of Beginning; thence continuing along said centerline North 79 degrees 28 minutes 21 seconds East, 67.78 feet; thence South 02 degrees 38 minutes 18 seconds West, 282.09 feet; thence South 53 degrees 53 minutes 29 seconds East, 75.78 feet; thence South 87 degrees 23 minutes 32 seconds West, 23.91 feet; thence North 82 degrees 45 minutes 16 seconds West, 105.74 feet; thence North 02 degrees 38 minutes 18 seconds East, 302.14 feet to the Place of Beginning.

Also subject to a 15 foot wide private easement for ingress, egress and public utilities described as follows: Commencing at the center of Section 30, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan; thence South 02 degrees 14 minutes 15 seconds East, 977.43 feet along the North and South 1/4 line of said section and centerline of Gale Road as shown on the plat of "Burr Oak" Subdivision, as recorded in Liber 23 of Plats on Pages 51-54, Washtenaw County Records; thence North 82 degrees 19 minutes 48 seconds East, 810.92 feet along the centerline of Geddes Road (formerly Potawatomie Trail); thence continuing along said centerline North 79 degrees 28 minutes 21 seconds East, 224.00 feet; thence South 02 degrees 38 minutes 18 seconds West, 120.48 feet for a Place of Beginning; thence South 45 degrees 08 minutes 37 seconds West, 62.80 feet; thence South 34 degrees 36 minutes 03 seconds West, 43.30 feet; thence South 01 degrees 00 minutes 00 seconds West, 93.61 feet; thence South 82 degrees 45 minutes 16 seconds East, 15.09 feet; thence North 01 degrees 00 minutes 00 seconds East, 90.72 feet; thence North 34 degrees 36 minutes 03 seconds East, 37.39 feet; thence North 45 degrees 08 minutes 37 seconds East, 45.05 feet; thence North 02 degrees 38 minutes 18 seconds East, 22.20 feet to the Place of Beginning.

This property may be located within the vicinity of farmland or 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 all division(s), if any, under section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

Subject to:

Easement as disclosed in survey recorded in Liber 3370 on Page 901, Washtenaw County Records.

Commonly known as, 5766 Geddes Rd.

Parcel I.D. No.: (J) 10-30-400-055

COPY

TOWNSHIP HALL
3040 NORTH PROSPECT STREET
COR. PROSPECT & CHERRY HILL RDS.
YPSILANTI, MICHIGAN 48198
TELEPHONE: (734) 482-6099
FAX: (734) 482-3842

CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN
NOTICE OF APPROVAL ON LAND DIVISION

Date: July 12, 2018

To: Ray Reilly
155 Laurin Court
Ann Arbor, MI 48105

Re: Land Combination Approval for parcels J-10-30-400-053 (2.54 acres) and J-10-30-400-054 (2.12 acres)

Legal Description for J -10-30-400-053 (2.54 Acres)

W.D. L3143 P713 ****FROM 1030400023 08/17/95SU 30-19 PCL "B" COM AT CEN OF SEC 30, TH S 02-14-15 E 977.43 FT, TH N 82-19-48 E 810.92 FT, TH N 79-28-21 E 94.00 FT, TH S 02-06-24 E 265.00 FT, TH S 82-45-16 E 210.74 FT TO POB, TH N 82-45-16 W 210.74 FT, TH S 02-06-24 E 585' TO WATERS EDGE, TH N'ELY TO PT BRG S 02-08-35 E FROM POB, TH N 02-08-35 W 470' TO POB. PT OF SE 1/4 SEC 30, T2S-R7E. 2.54 AC.

COMBINED ON 07/16/2018 WITH J -10-30-400-054 INTO J -10-30-400-061;

And

Legal Description for J -10-30-400-054 (2.12 Acres)

W.D. L3143 P713 ****FROM 1030400023 08/17/95SU 30-19 PCL "C" COM AT CEN OF SEC 30, TH S 02-14-15 E 977.43 FT, TH N 82-19-48 E 810.92 FT, TH N 79-28-21 E 94.00 FT, TH S 02-08-24 E 265.00 FT, TH S 82-45-16 E 210.74 FT, TH N 87-23-32 E 217.01 FT TO POB, TH S 87-23-32 W 217.01 FT, TH S 02-08-35 E 470' TO WATERS EDGE, TH N'ELY TO PT BRG S 02-08-35 E FROM POB, TH N 02-08-35 W 360' TO POB. PT OF SE 1/4 SEC 30, T2S-R7E. 2.12 AC.

COMBINED ON 07/16/2018 WITH J -10-30-400-053 INTO J -10-30-400-061;

Your land combination has been completed by the Assessing Department. The 2018 summer and winter tax bills will show the original two parcel numbers, legal descriptions and acreage amounts as noted above.

Below is the new legal description, parcel number, and acreage amount that will take effect for the 2019 tax year and will reflect on the 2019 tax bill.

Legal Description for J -10-30-400-061 (4.66 Acres) ⁵⁷²⁸ Geddes Road

OWNER REQUEST SU 30-19A PCLS " B & C " COM AT CEN OF SEC 30, TH S 02-14-15 E 977.43 FT, TH N 82-19-48 E 810.92 FT, TH N 79-28-21 E 94.00 FT, TH S 02-08-24 E 265.00 FT, TH S 82-45-16 E 210.74 FT, TH N 87-23-32 E 217.01 FT TO POB, TH S 87-23-32 W 217.01 FT, TH N 82-45-16 W 210.74 FT, TH S 02-06-24 E 585 FT +/- TO WATERS EDGE, TH N'ELY ALNG WATERS EDGE TO PT S 02-08-35 E 360 FT +/- FROM POB, TH N 02-08-35 W 360 FT +/- TO POB. PT OF SE 1/4 SEC 30, T2S-R7E. 4.66 AC.

COMBINED ON 07/16/2018 FROM J -10-30-400-054, J -10-30-400-053;

If you have any questions please feel free to contact me at your convenience.

Thank you,
Paula Calopisis, Superior Township Assessor

Receipt: 2-45086

Product	Name	Extended
EAS	Easement	\$30.00
Total		\$30.00
Tender/Check		\$30.00

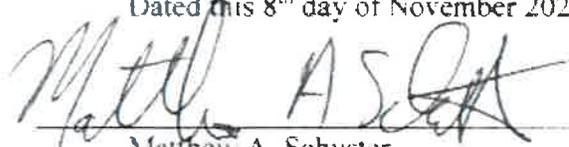
Thank You!

11/9/21 1:22 PM cash2

ACCESS EASEMENT

This Grant of Access Easement (the "Easement") is executed this 8th day of November 2021, by **Matthew A. Schuster and Alyssa L. Cairo, Husband and Wife**, of 5766 Geddes Road, Ann Arbor, Michigan 48105 ("Grantors"). Grantors hereby grant to **Aneel Karnani** ("Grantee") of 5668 Geddes Road, Ann Arbor, Michigan 48105, tax parcel # J-10-30-400-052 (the "Karnani Parcel"), a non-exclusive residential 66-ft wide private easement for purposes of ingress and egress as described in the Sketch of Easement and legal description attached hereto (the "Sketch") to and from the Karnani Parcel. This Easement is subject to existing easements of record. This Easement shall only allow Grantee to traverse over the land surface as currently exists which is unpaved and undeveloped. Grantee is not to construct any improvements without the prior written approval of Grantors, which shall not be unreasonably withheld. This Easement does not serve and gives no rights or benefits to any other parcel and there are no third-party beneficiaries to this Easement express or implied. Grantors shall not be required to, and are not responsible for, any expense relating to or arising out of this Easement or the Grantor's use of this Easement. Grantors may, at any time and in their sole and absolute discretion, relocate this Easement or designate such other 66-ft wide strip of land in the place of the location set forth on the attached Sketch, by recording a modification of this Easement. If no access drive has been constructed and approved by Superior Township as a private road within five (5) years of the date of this Easement, or if the Karnani Parcel is transferred, subdivided, combined, leased or sold, in whole or in part, by Grantee or his successors or assigns to any person or entity other than Grantors, this Easement will automatically terminate and will be of no further force or effect.

Dated this 8th day of November 2021.



 Matthew A. Schuster



 Alyssa L. Cairo

STATE OF MICHIGAN,
COUNTY OF WASHTENAW

The foregoing instrument was acknowledged before me this 09 day of November, 2021, by **Matthew A. Schuster and Alyssa L. Cairo, Husband and Wife**.

Wayne

 Heather Alsheimer, Notary Public
 Washtenaw County, Michigan
 My commission expires: March 25 2022

HEATHER ALSHEIMER
 NOTARY PUBLIC, STATE OF MI
 COUNTY OF WAYNE
 MY COMMISSION EXPIRES Mar 25, 2025
 ACTING IN COUNTY OF Washtenaw

This instrument prepared by:
Matthew A. Schuster
5766 Geddes Road
Ann Arbor, MI 48105

When recorded return to and
send subsequent tax bills to:
Grantors

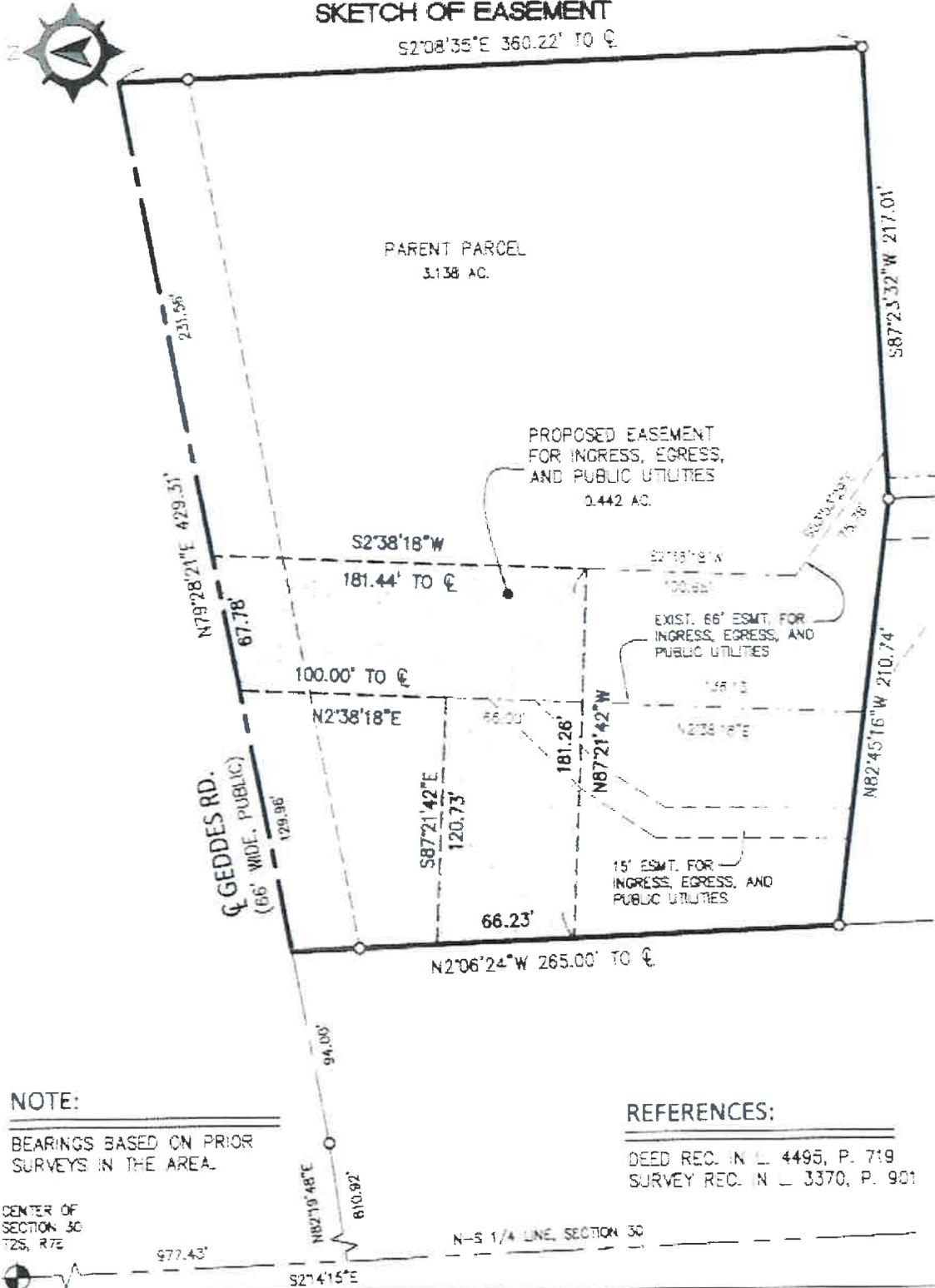
Recording fee: \$30.00
Tax parcel #: J-10-30-400-055

Transfer Taxes: Exempt: MCL 207.505(a) and MCL 207.526(a)

less than \$100.00

SKETCH OF EASEMENT

S2°08'35"E 360.22' TO C



NOTE:

BEARINGS BASED ON PRIOR SURVEYS IN THE AREA.

CENTER OF SECTION 30, T2S, R7E

REFERENCES:

DEED REC. IN L. 4495, P. 719
SURVEY REC. IN L. 3370, P. 901

CLIENT: SCHUSTER

SKETCH OF EASEMENT

IN THE SE 1/4 OF SECTION 30, T2S, R7E SUPERIOR TOWNSHIP, WASHTENAW COUNTY, STATE OF MICHIGAN.

LEGEND:

- SECTION CORNER
- FOUND IRON PIPE
- FOUND IRON ROD
- FOUND MAG NAIL
- FOUND MONUMENT
- SET IRON PIPE
- SET WOOD LATH
- RECORDED
- CALCULATED



6653 Schneider Rd. • Manchester, MI • 48158

(734) 669-2960 • arborlandinc.com

JOB NO.: 16621	DATE: 10-28-2021
FLD. BOOK: 00013	REVISED: -
SHEET 1 OF 2	BY: KJG

SCALE: 1" = 60'

PROPOSED EASEMENT FOR INGRESS, EGRESS, AND PUBLIC UTILITIES:

A part of the Southeast 1/4 of Section 30, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan described as: Commencing at the Center of said Section 30; thence along the North-South 1/4 line of said Section 30 South 02°14'15" East 977.43 feet to a point on the Centerline of Geddes Road; thence along said centerline North 82°19'48" East 810.92 feet; thence continuing along said centerline North 79°28'21" East 223.96 feet to the POINT OF BEGINNING; thence continuing along said Centerline North 79°28'21" East 67.78 feet; thence South 02°38'18" West 181.44 feet; thence North 87°21'42" West 181.26 feet; thence North 02°06'24" West 66.23 feet; thence South 87°21'42" East 120.73 feet; thence North 02°38'18" East 100.00 feet to the POINT OF BEGINNING, containing 0.442 acres of land, more or less.

CLIENT: SCHUSTER

SKETCH OF EASEMENT

IN THE SE 1/4 OF SECTION 30, T2S, R7E SUPERIOR TOWNSHIP, WASHTENAW COUNTY, STATE OF MICHIGAN.

LEGEND:

- ⊙ SECTION CORNER
- _{PIP} FOUND IRON PIPE
- _{IR} FOUND IRON ROD
- _{MN} FOUND MAG NAIL
- _{FM} FOUND MONUMENT
- _{IP} SET IRON PIPE
- ⊞ SET WOOD LATH
- (R) RECORDED
- (C) CALCULATED



6653 Schneider Rd. • Manchester, MI • 48158

(734) 669-2960 • arborlandinc.com

JOB NO.: 16621 DATE: 10-28-2021

FLD. BOOK: 00013 REVISED: -

SHEET 2 OF 2 BY: KJG

SCALE: 1" = 60'





0010



BUILDING PERMIT APPLICATION (revised 3-3-14)

Charter Township of Superior
3040 N. Prospect, Ypsilanti, MI 48198
(734) 482-6099

Applicant to Complete All Items in Sections I, II, III, IV and V

NOTE: Separate Applications Must Be Completed for Plumbing, Mechanical, & Electrical

I. JOB LOCATION	
Street Address of Job 5728 Geddes Road, Ann Arbor, MI 48105	Project Name/Subdivision Mouliere Residence

II. IDENTIFICATION			
A. OWNER OR LESSEE			
Name Jean-Marie and Ingrid Mouliere	Address 5728 Geddes Road		
City Ann Arbor	State MI	Zip Code 48105	Phone (734) 645 - 6045
B. APPLICANT INFORMATION			
<input type="checkbox"/> HOMEOWNER	<input checked="" type="checkbox"/> CONTRACTOR	<input type="checkbox"/> ARCHITECT/ENGINEER	<input type="checkbox"/> AGENT
Name/ Company Name Snyder Contracting	License Number 2102206239	Expiration Date 05/31/22	
Address 8650 Huron River Drive	City Dexter	State MI	Zip Code 48130
Telephone Number (Include Area Code) (734) 545 - 4840		Federal Employer ID Number (or reason for exemption) 46-0915638	
Worker's Compensation Insurance Carrier (or reason for exemption) Accident Fund Insurance Co of America		MESC Employer Number (or reason for exemption) No employees	

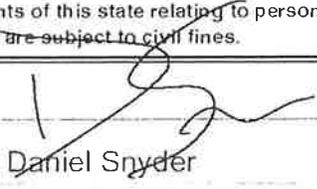
III. TYPE OF IMPROVEMENT AND PLAN REVIEW		
A. PROPOSED USE OF BUILDING AND TYPE OF IMPROVEMENT		
<input checked="" type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> NON-RESIDENTIAL	
<input checked="" type="checkbox"/> New Building	<input type="checkbox"/> Addition	<input type="checkbox"/> Mobile Home
<input type="checkbox"/> Alteration	<input type="checkbox"/> Repair	<input type="checkbox"/> Demolition

IF RESIDENTIAL-describe in detail scope of work; IF NONRESIDENTIAL-describe proposed use of building, e.g. food processing plant, machine shop, laundry building at hospital, elementary school, college parking garage, rental office building. If use of existing building is being changed, enter proposed use.
New build of 7800 sq ft 2 story home. 3800 sq ft basement to be finished as well.

Mouliere 001957

APPLICATION FOR BUILDING PERMIT AND PLAN EXAMINATION - PAGE TWO

IV. CHARACTERISTICS OF BUILDING			
A. TYPE OF WATER SUPPLY AND SEWAGE DISPOSAL			
<input checked="" type="checkbox"/> Public Water	<input type="checkbox"/> Public Sewer	<input type="checkbox"/> Private Well	<input type="checkbox"/> Septic System
B. DIMENSION/DATA			
<u>Floor Area</u>	<u>Alteration</u>	<u>New</u>	Construction Cost (or submit copy of contract) <u>1.5 million</u>
Basement	N/A	3800	
1st & 2nd Floor	N/A	7800	

V. SIGNATURE	
<p>I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT, AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE STATE OF MICHIGAN. ALL INFORMATION SUBMITTED ON OR WITH THIS APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.</p>	
<p>Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violator's of section 23a are subject to civil fines.</p>	
APPLICANT SIGNATURE: 	DATE: <u>10/18/21</u>
PRINT NAME: <u>Daniel Snyder</u>	

BUILDING DEPARTMENT USE ONLY				
	REQUIRED?		RECEIVED	NOTES
A. Zoning Review	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/>	
B. Well/Septic Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/>	
C. Driveway Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/>	
D. Soil Erosion	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/>	
E. Utility Charges	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/>	
F. Wetlands	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/>	
Data _____				
Construction Type	Use Group	Square Footage		Occupant Load
Parcel Number			Valuation	Zoning District
Approval Signature			Date	Permit fee

RECEIVED by MCOA 1/25/2024 12:04:04 PM

Mouliere 001958

REDI-ROCK® DESIGN AND DETAILS
PREPARED FOR

PROPOSED REDI-ROCK RETAINING WALLS "MOULIERE RESIDENCE"

5728 GEDDES ROAD, SUPERIOR CHARTER TWP., WASHTENAW COUNTY, MI 48105

JEAN WARE MOULIERE
2027 HILL STREET
ANN ARBOR, MI 48106

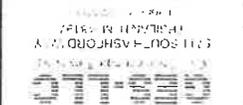
PROPOSED REDI-ROCK™ RETAINING WALLS
MOULIERE RESIDENCE
5728 GEDDES RD. SUPERIOR CHARTER TWP. MI 48105

TITLE SHEET

SCALE: 1" = 10'-0"



SEAL



22-101

RW-1



INDEX

SHEET	DESCRIPTION
RW 1	TITLE SHEET
RW-2 #	WA - FLEVAT ON
RW-3	WALL-DETAILS
RW 4	SPFC F CATIONS AND CONSTRUCTION NOTES

NOTE:

SHOP DRAWINGS FOR WALL NO'S 1, 2 AND 3

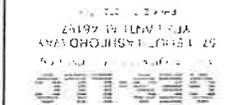
RETAINING WALLS PLAN VIEW

SCALE: N.T.S.

22-101
RW-2.1

NO. OF SHEETS	14
SHEET NO.	14
DATE	11/15/23
PROJECT	57180101000000000000
CLIENT	JEAN-MARE MOULERE

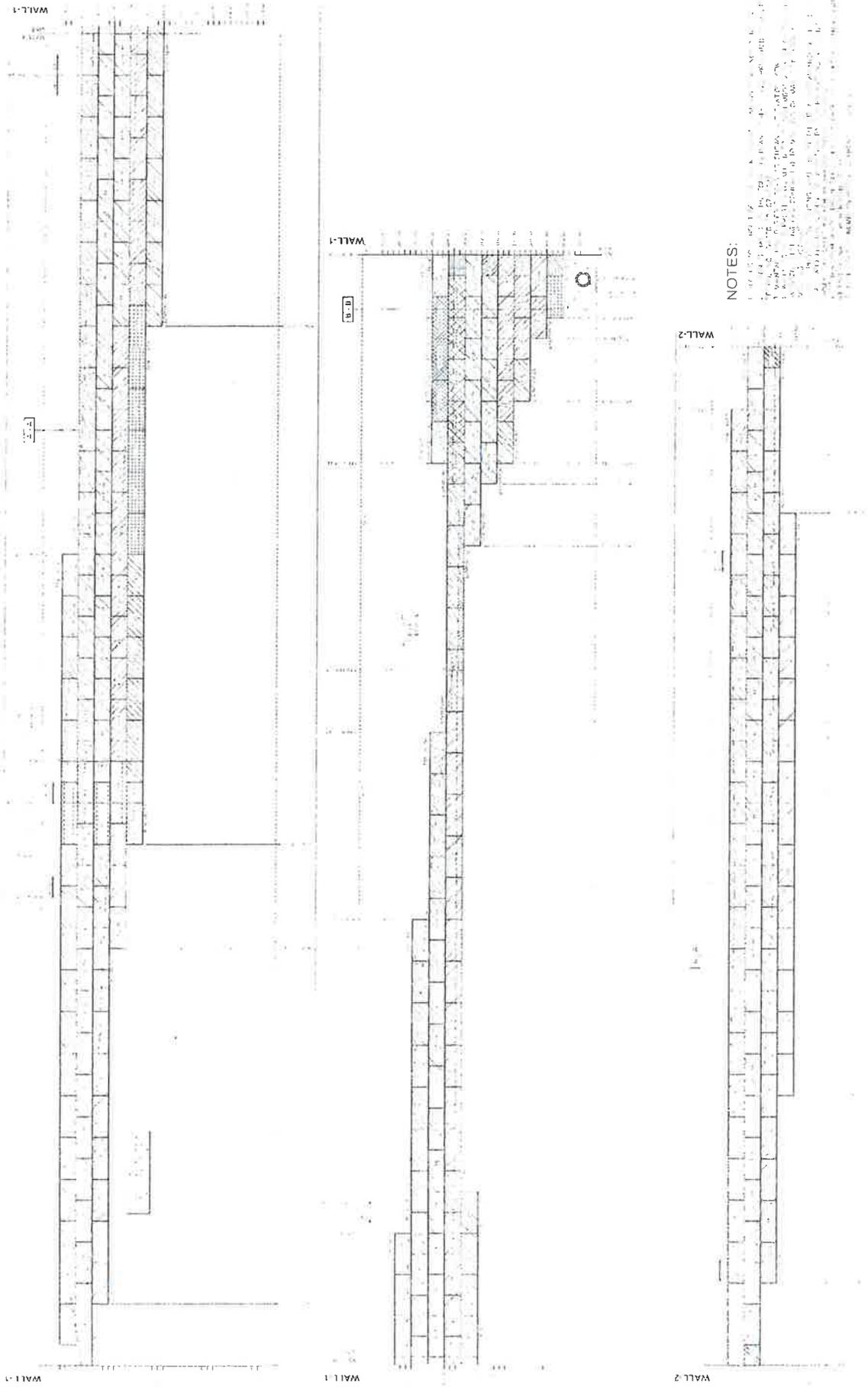
57180101000000000000
 57180101000000000000
 57180101000000000000
 57180101000000000000



PROPOSED REDI-ROCK® RETAINING WALLS
 MOULERE RESIDENCE
 5728 DEBOS RD, SUPERIOR CHARTER TWP, IN 46033

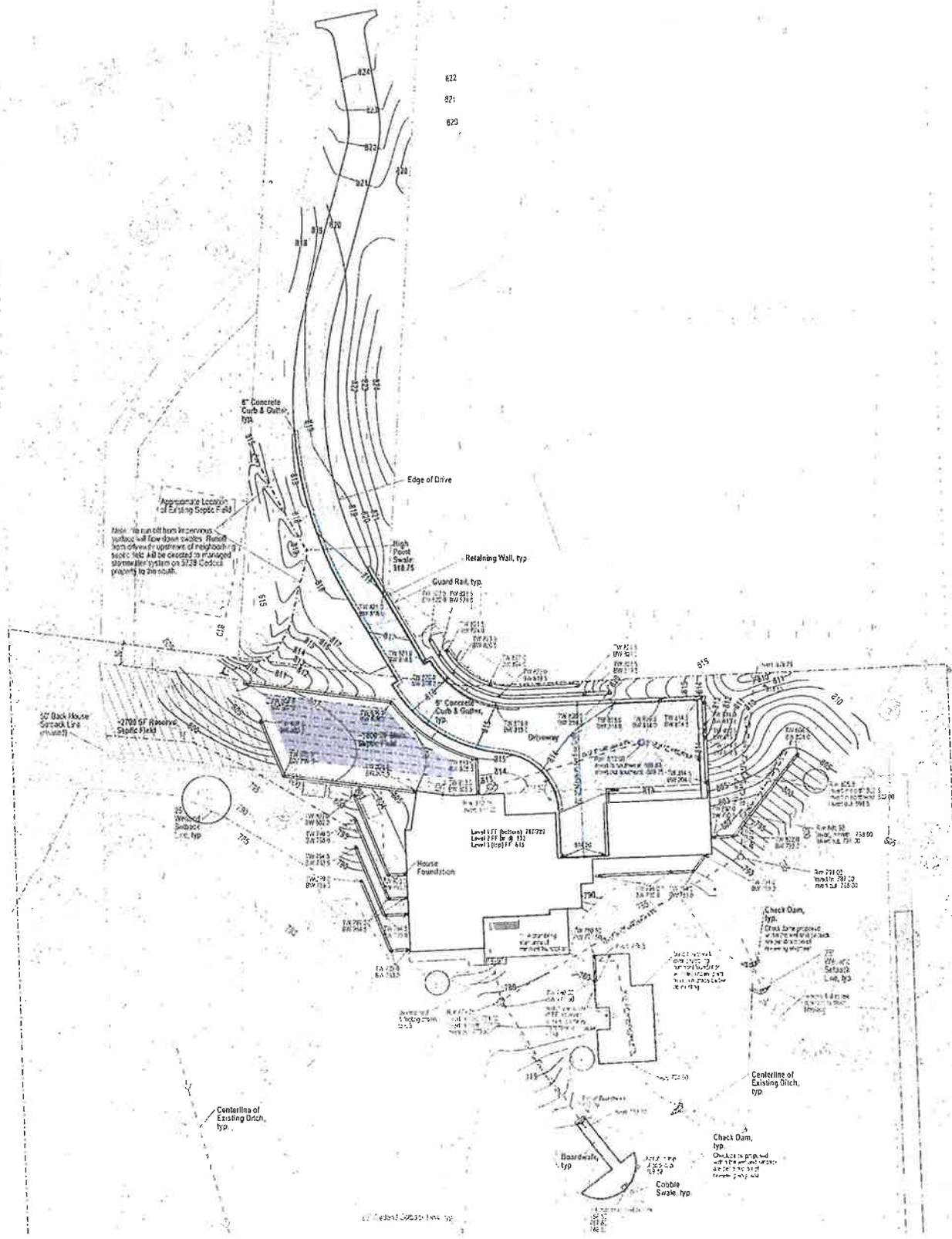
JEAN-MARE MOULERE
 107 HILL STREET
 ANDY ANDRA IN 46031

NOTES:
 1. ALL WALLS TO BE CONSTRUCTED PER THE SPECIFICATIONS AND DETAILS SHOWN ON THESE PLANS.
 2. THE WALLS SHALL BE CONSTRUCTED USING REDI-ROCK RETAINING WALL SYSTEM.
 3. THE WALLS SHALL BE CONSTRUCTED USING 18" X 18" X 16" REDI-ROCK BLOCKS.
 4. THE WALLS SHALL BE CONSTRUCTED USING 18" X 18" X 16" REDI-ROCK BLOCKS.
 5. THE WALLS SHALL BE CONSTRUCTED USING 18" X 18" X 16" REDI-ROCK BLOCKS.
 6. THE WALLS SHALL BE CONSTRUCTED USING 18" X 18" X 16" REDI-ROCK BLOCKS.
 7. THE WALLS SHALL BE CONSTRUCTED USING 18" X 18" X 16" REDI-ROCK BLOCKS.
 8. THE WALLS SHALL BE CONSTRUCTED USING 18" X 18" X 16" REDI-ROCK BLOCKS.
 9. THE WALLS SHALL BE CONSTRUCTED USING 18" X 18" X 16" REDI-ROCK BLOCKS.
 10. THE WALLS SHALL BE CONSTRUCTED USING 18" X 18" X 16" REDI-ROCK BLOCKS.



REDI-ROCK® WALL ELEVATION
 HORIZONTAL SCALE
 VERTICAL SCALE

0014



Project:
Mouliere Residence: 5728 Geddes

Title:
Grading Plan

Sheet:
L-2

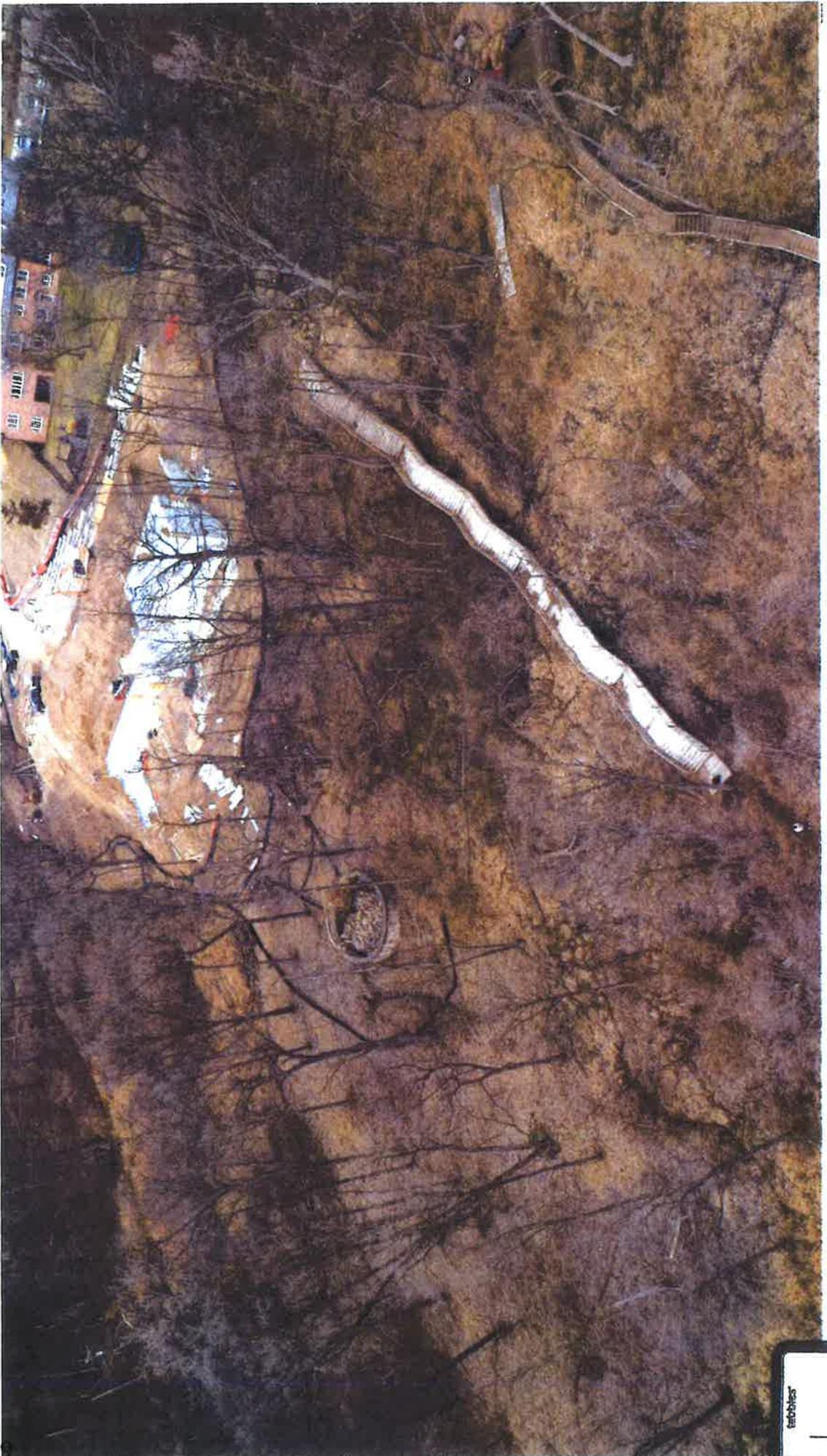
Code	Description
1	Proposed
2	Existing
3	As Shown
4	Not Shown
5	Other



INSITE
InSite Design Studio, Inc.

0018

RECEIVED by MCOA 1/25/2024 12:04:04 PM



RECEIVED by MCOA 1/25/2024 12:04:04 PM

EXHIBIT

31

foresters

RECEIVED by MCOA 1/25/2024 12:04:04 PM





RECEIVED by MCOA 1/25/2024 12:04:04 PM

1 shows up after the pump truck, there's really
2 nowhere to park unless they park on Hickman and
3 walk over which we've also had the police called
4 on us for parking on Hickman as well, so they
5 don't like parking there either.

6 Q. Have you done what you can to try and minimize
7 that?

8 A. Everything I can. I mean, we're all human, so --
9 but everything I can.

10 Q. There's no "Dont Park Here" sign or --

11 A. There isn't and that is a great point and I
12 should probably go in there and (INDECIPHERABLE).

13 Q. Did there come a time when your permit got a
14 cease-work order on the permit for the
15 construction of the wall?

16 A. Yeah, after they were completed. It's still
17 somewhere in this area on the Schuster side of
18 the property.

19 Q. What was your understanding as to why it was --

20 A. From the injunction from what I understand that
21 they decided that since we didn't permit their
22 property, 5766, on our permit that that section
23 of wall should technically not have been built
24 because we didn't have a permit for 5766.

25 So this area of two-tier and maybe a



CEASE & DESIST ORDER

ALL EARTH WORK ON SITE MUST CEASE

PROPERTY OWNER OR DESIGNATED AGENT SHALL CONTACT THE WASHITA COUNTY
SOIL EROSION PROGRAM WITHIN _____ DAYS

Name _____
Location _____
Date/Time/Day _____
Property Address _____
City/State/Zip _____
Work Order # (if applicable) _____

**DO NOT REMOVE
THIS CARD
WITHOUT
AUTHORIZATION**



WASHTENAW COUNTY BUILDING INSPECTION 734) 222-3900
705 NORTH ZEEB ROAD, P.O. BOX 8645, ANN ARBOR, MI 48107-8645
Fax (734) 222-3930
Inspection Line (866) 458-7358 – (IVR) automated system – 24 hours a day
http://www.washtenaw.org/government/departments/building_inspection/

September 9, 2022

Matt Schuster
5766 Geddes Rd
Ann Arbor, Michigan 48105

RE: AUGUST 17, 2022, CONSTRUCTION CODE BOARD OF APPEALS DECISION
APPEAL FOR 5728 GEDDES RD., SUPERIOR TOWNSHIP – MATT SCHUSTER

Mr. Schuster,

Below please find the decision of your appeal application submitted to the Construction Code Board of Appeals:

Motion by Jack Campbell, supported by Charles Hookham, the permit No. PB22-0070 is for construction activity at 5728 Geddes Rd., ONLY, as identified as parcels B and C, on the survey drawing by Ayres, Lewis, Norris & May Survey, Proj. No. 83482-01. (3) Yeas (1) Nay (1) Abstained. Motion carried.

If you do not agree with this decision, you have the right to appeal further to the State of Michigan Construction Code Board of Appeals.

If you have questions, please feel free to contact my office at 734-222-3892.

Sincerely,

Deb Schmitt, Director
Washtenaw County Building Inspection

Lance Mitchell, Building Official
Washtenaw County Building Inspection

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW**

JEAN-MARIE L. MOULIERE and INGRID
D. MOULIERE,

Plaintiffs/Counter-Defendants,

v.

MATTHEWA A. SCHUSTER and ALYSSA
L. CAIRO,

Defendants/Counter-Plaintiffs.

Case No. 20-001274-CH

Hon. Timothy P. Connors

**ORDER APPROVING APPLICATION
FOR BUILDING PERMIT IN
ACCORDANCE WITH ORDER TO
ENFORCE FINAL JUDGMENT**

BODMAN PLC

By: J. Adam Behrendt (P58607)
Melissa Benton Moore (P73018)
Michelle Kolkmeier (P81355)
201 W. Big Beaver Rd., Suite 500
Troy, MI 48084
(248) 743-6000

abehrendt@bodmanlaw.com
mmoore@bodmanlaw.com
mkkolkmeier@bodmanlaw.com

Attorneys for Plaintiffs/Counter-Defendants

CONLIN MCKENNEY & PHILBRICK, P.C.

By: W. Daniel Troyka (P65155)
350 S. Main Street, Suite 400
Ann Arbor, MI 48104-2131
(734) 761-9000

troyka@cmplaw.com

HONIGMAN LLP

By: Michael P. Hindelang (P62900)
Laura E. Biery (P82887)
2290 First National Building
660 Woodward Avenue
Detroit, MI 48226
(313) 465-7000

mhindelang@honigman.com
lbiery@honigman.com

Attorneys for Defendants/Counter-Plaintiffs

**ORDER APPROVING APPLICATION FOR BUILDING PERMIT IN ACCORDANCE
WITH ORDER TO ENFORCE FINAL JUDGMENT**

At a session of said Court, held in the
Washtenaw County Circuit Court, State of Michigan

on 12/18/23

PRESENT: Hon. Timothy P. Connors
Circuit Court Judge

WHEREAS, this matter comes before the Court following the Court’s entry of its “Order to Enforce Final Judgment,” dated November 30, 2023. That order states, in relevant part:

[I]n the event that Defendants/Counter-Plaintiffs refuse to cooperate in the permitting process and to sign any necessary documents, Plaintiffs/Counter-Defendants may present an order to the Court for Court approval of an application for a building permit, a variance, or other zoning relief, and the Court will enter an order such that it can be provided to the Township in lieu of a document signed by Defendants/Counter-Plaintiffs.

Plaintiffs/counter-plaintiffs Jean-Marie L. Mouliere and Ingrid D. Mouliere (collectively, “Moulieres”) have asked defendants/counter-plaintiffs Matthew A. Schuster and Alyssa L. Cairo (collectively, “Schusters”) to sign the building permit application attached as **Exhibit A** so they may complete the construction at issue in this case. The Schusters have refused to sign the building permit application.

AND WHEREAS, the Schusters agree that the form of this Order complies with the Court’s rulings, and approve the form of the Order only, and the Schusters restate their previous objections to the issuance of the permit.

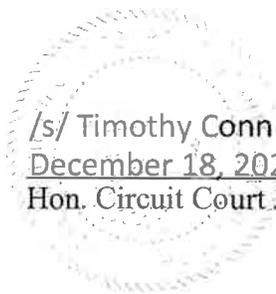
NOW, THEREFORE, having been so advised, the Court hereby orders as follows:

IT IS HEREBY ORDERED that, the building permit application attached hereto as Exhibit A is approved and that Superior Township may accept and rely upon this order in lieu of a document signed by the Schusters;

IT IS FURTHER ORDERED that the Schusters' approval of the form of this Order does not constitute acquiescence by the Schusters in the propriety of the permit.

IT IS SO ORDERED.

Dated: _____



/s/ Timothy Connors
December 18, 2023
Hon. Circuit Court Judge

APPROVED AS TO FORM ONLY:

BODMAN PLC

By: /s/ J. Adam Behrendt
J. Adam Behrendt (P58607)
Attorneys for Plaintiffs/Counter-Defendants

HONIGMAN LLP

By: /s/ Michael P. Hindelang
Michael P. Hindelang (P62900)
Attorneys for Defendants/Counter-Plaintiffs

RECEIVED by MCOA 1/25/2024 12:04:04 PM



**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
SEPTEMBER 29, 2021
PAGE 1 of 9**

1. CALL TO ORDER

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

2. ROLL CALL

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

3. ADOPTION OF AGENDA

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

4. APPROVAL OF MINUTES

A motion was made by Member Parm and supported by Member Deeds to approve the minutes of June 25, 2019. The motion carried by voice vote.

5. CITIZEN PARTICIPATION

There was no Citizen Participation.

6. COMMUNICATIONS

Motion by Member Parm and supported by Member Lewis to receive and file an email from Terri Oif regarding ZBA #21-03.

7. PUBLIC HEARINGS AND CONSIDERATION OF APPEALS

A. ZBA #21-03 5728 Geddes Road and 5766 Geddes Road Appeal

Motion by Member Deeds and supported by Member Parm to open the public hearing.

Matt Schuster, applicant, noted he has been working with Rick Mayernik regarding these complex issues.

Member Dail reported he visited the sites in question, and it was not readily apparent where the property lines are.

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
SEPTEMBER 29, 2021
PAGE 2 of 9**

Mr. Schuster explained there is a tree stump where the marker is, and anything from that marker to the river is 5728 Geddes Road.

Mr. Schuster introduced Daniel Troyka, attorney at Conlin, McKenney & Philbrick, representing Mr. Schuster and his wife. Mr. Schuster also set up a PowerPoint presentation showing photos of the site and outlining the issues brought forth in the appeal to the ZBA.

Mr. Troyka stated the work taking place at 5728 Geddes Road should require permits and they should not be able to do work of such magnitude without permits. He continued to state the Zoning Ordinance should be interpreted so zoning compliance and a permit is required so the Schuster family is protected. At least engineering review should be required.

Troyka stated the first issue to interpret is 6.01(c) of the Zoning Ordinance, which is a provision of how you measure the height of a retaining wall. He explained the Township has taken the position measurements from take from the high side, theoretically resulting in a retaining wall of indefinite height. He indicated this is inconsistent with the Michigan Building Code and engineering standards. He disagrees with how the retaining wall has been interpreted.

Troyka went on to explain the neighbors are put up a ten-foot retaining wall. Mr. Mayernik did require a safety fence to be placed at the top, but there has been no regulation whatsoever. He also discussed permitted yard encroachments in Section 3.203(g)(1) and where retaining walls were discussed.

Troyka introduced the second issue of interpretation - when does construction start? The applicant believes mass grading constitutes the start of construction and requires a certificate of zoning compliance. He went on to state generally, if you're going to build a structure, you need a certificate of zoning compliance first. He reported the Township indicated permits are not needed until you start putting in "construction parts" of the wall. The applicant disagrees and asks the Zoning Board of Appeals to interpret Section 1.07 so a certificate of zoning compliance is required before they can keep working.

Mr. Troyka stated Section 10.02(a)(3)(a) of the Zoning Ordinance gives an exemption to single family dwellings for requiring site plan approval. He

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
SEPTEMBER 29, 2021
PAGE 3 of 9**

stated the retaining wall is on the Schuster's property, but the retaining wall is not an accessory structure to the Schuster's property.

Mr. Troyka questioned if this type of plan would benefit from site plan review. He believes given the complexity of the project it does not feel like the project should be exempt.

The last point Mr. Troyka discussed involved the denial of a building permit for a garage on Mr. Schuster's property. He explained the house was built in the 1960s and there is existing access to the riverfront parcel. He added there is no private street there.

Mr. Troyka explained the fourth item on the appeal has been pulled from ZBA consideration because the applicant will go in front of the Township Board of Trustees for that issue. It was noted the ZBA doesn't hear issues on the private road ordinance.

Member Dail asked Mr. Mayernik to speak on the timing of the appeal.

Mr. Mayernik stated the letter from Maddin Hauser outlined four specific items they are requesting an appeal on. He added he included a memo in the packet to ZBA members that included some letters. The first letter from Maddin Hauser dated May 24, 2021, relates to the site plan approval question. The second letter dated May 25, 2021 refers to construction of walls and fences. The third letter is from Fred Lucas, Township Attorney, dated May 25, 2021 which indicates he has read the letters from Maddin Hauser, and the Township does not agree with their findings. Section 13.06 of the Zoning Ordinance addresses administrative appeals. Appeals of the Zoning Official must be received within 60 days of the decision. The letter from the Township Attorney establishes the decision was made over 90 days ago. Mr. Mayernik requests item one and two be denied, not on merit, but on procedural issue.

Member Dail asked Mr. Mayernik to reiterate the key dates. Mr. Mayernik answered that the letter from Mr. Lucas to Maddin Hauser stating the township didn't agree was dated May 25, 2021 and the application for this hearing was submitted on August 30, 2021. He further explained he is not arguing the merits of the case at this time, but item one and two of the appeal are now beyond the scope of the ZBA.

Mr. Mayernik went on to discuss the third portion of the applicant's appeal. He stated the property division being referred to in the creation of

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
SEPTEMBER 29, 2021
PAGE 4 of 9**

the private road was approved in 1996, and at that time the 1978 Zoning Ordinance was in effect requiring all new lots created to front on a public or private street. He also explained there was no Private Street Ordinance in 1978. One was enacted in 2004, but until then, a 66' easement was accepted as a private road.

Member Dail asked Mr. Schuster to show where the garage was going to be. He asked if Mr. Schuster would have to excavate into the wall.

Mr. Schuster replied finished grade is not established.

Member Dail asked Mr. Schuster if he's explored that far enough and if he knows it is feasible.

Mr. Schuster answered yes, there are building plans. He added he wouldn't need to dig into the hill much.

Mr. Mayernik stated during the presentation Mr. Schuster made an example of homes on Ann's Way. A couple of the ZBA members remember appeals coming in from homeowners on Ann's Way relating to setbacks for additions. He explained the current Private Road Ordinance sets up a sequence of events of how you get a permit and what needs to happen before you get a building permit. There is no requirement for a private road to be constructed prior to the permit being issued for a house. An absence of a road being constructed does not mean the private road does not exist.

Member Dail asked, in terms of issue number three, if there is a timing issue?

Mr. Mayernik replied it was received on day 60, so the ZBA can review it.

Member Deeds reminded fellow members the ZBA is allowed to address the appeal before them, not the presentation shown by Mr. Schuster. He felt the ZBA should be addressing the items in order and making decisions on those three.

Deeds added he agrees with Member Dail recommending the applicant request a variance instead of an appeal for the garage. He feels it would have been a better approach, and it still could be followed. He stated Mr. Schuster's parcel is unique and thinks the applicant might want to consider a variance in the future.

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
SEPTEMBER 29, 2021
PAGE 5 of 9**

Troyka stated in June, the applicant requested an interpretation of the Zoning Ordinance. Prior to June 28, 2021 neither the applicant nor their attorney had gotten clear guidance from the township at all. He believes it incorrect to say Mr. Lucas sending a letter that the Township disagrees would “start the clock.” He stated on July 6, 2021 the applicant was told he could go the ZBA. There is no requirement the applicant do anything with the appeal other than fill out an application and submit a check.

Troyka does not understand the township’s reluctance to hear these issues. He asked the ZBA to make a decision and doesn’t think it is out of order to do so. The applicant feels the ZBA needs to interpret this and there needs to be some guidance from this township.

Mr. Mayernik stated he would agree if the applicants had made an application on July 7, 2021 it could be heard. But the applicant’s attorney is very clear in the questions they are asking. Mr. Lucas’s letter stating the Zoning Official doesn’t agree with their interpretation is crystal clear.

Member Dail stated the applicant is entitled to ask for interpretations from the ZBA, but this application is requesting Mr. Mayernik’s decision is overturned. If interpretations were wanted, the applicant can fill out an application and come before the ZBA.

Member Dail asked Mr. Mayernik how the site would transpire if the issues weren’t in front of the ZBA. He stated the site is a mess and there is a ten-foot unsupported earth wall.

Mr. Mayernik replied he would expect the applicant would come in with building plans, site plans, and stamped sealed documents for the retaining wall. He added the size of the house will require sealed documents from the builder as well. The plans would be reviewed by Mr. Mayernik and OHM. Because this would not go before the Planning Commission, the Michigan Residential Code would apply rather than the Township Engineering Standards.

Member Dail asked Mr. Mayernik if he, as the Building Inspector, has an expectation he’ll receive drawings for the retaining wall that will be reviewed, approved, and inspected. Mr. Mayernik confirmed, and it was noted this would occur under the Residential Building Code.

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
SEPTEMBER 29, 2021
PAGE 6 of 9**

Member Dail deems “there needs to be some level of assurance the mess out there will be properly buttoned up.”

Mr. Schuster asked if the Township has conducted a safety review. He explained he’s watching the wall cave and fall into the wetlands, and someone is going to get hurt.

Mr. Mayernik stated he and the Township Supervisor have discussed if the situation, as it stands, elevates to what they’d call a “public nuisance” to where the Township would enter into litigation or issue citations. He also explained initially the builder put up a plastic snow fence as a safety guard along the upper side of the retaining wall. Mr. Mayernik informed the builder that was not adequate as a guard and asked him to put something more substantial, which he did. The intent is they won’t go on into perpetuity.

Motion by Member Lewis supported by Member Brennan to close the public hearing. The motion carried.

Member Dail stated regarding the third appeal, the discussion has been if it is a private road or not and the appeal of the decision to deny the permit to construct a garage. He continued to state the suggestion of the ZBA is for the applicant to apply for a variance to allow construction in the setback, but that would take a separate application.

Mr. Schuster stated there is no lot in the Zoning Ordinance that can have a private road running through the middle of it, and he did reference that in his appeal. He does not believe his property is considered a corner lot. He questions the interpretation and asks the ZBA to make a determination.

Mr. Mayernik passed out a handout with the definition of a “through lot” from the 1978 Zoning Ordinance to the ZBA Members and the applicant. He maintains the lot was created in 1996, which would have been subject to the 1978 Zoning Ordinance where it would have been classified as a “through lot.” He continued to state the other problem the township ran into that had to be addressed in the Zoning Ordinance were private roads that ran into adjacent properties. The Township stated land divisions could not occur unless the neighboring property owner agreed because they could create setbacks on the adjacent property owners.

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
SEPTEMBER 29, 2021
PAGE 7 of 9**

Mr. Schuster stated he still questions the designation of his property as a corner lot.

Mr. Mayernik acknowledged his representation to a corner lot in the denial letter was the closest he could come to describing the conditions of that lot.

Mr. Schuster gave information on the original split in 1995/1996.

Mr. Mayernik pointed out in the applicant's paperwork there are several letters relating to the land division. He reviewed the paperwork and stated the Building Official at the time of the division was asking for dimensions from the house to the private road. Mr. Mayernik infers the logical reason he was asking for those dimensions is because he was checking for setbacks.

Member Dail stated looking at the August 30, 2021 letter from Maddin Hauser, the applicant is appealing the decision of the Building Official to deny the garage permit. The reason the permit was denied is because it is in the 60-foot setback of what we would call the private road. The counter argument is that it is not a private road.

Mr. Mayernik stated the private road had to be created because of the two riverfront lots not fronting Geddes Road.

Mr. Mayernik explained the Township Fire Chief has looked at the preliminary sketches for what would be required at this location. The reality is the two lots have been combined into one lot. As far as Fire Department access, it's basically a driveway. Once Mr. Mayernik receives firm drawings and a plan submission it will be sent to the Fire Chief for review.

Member Deeds suggested taking this appeal by appeal and making a motion for each.

Motion by Member Deeds, supported by Member Brennan, to deny appeal number one due to the failure to meet the timing requirements of an administrative appeal as defined in Zoning Ordinance Section 13.06(1), requiring an appeal be filed within 60 calendar days from the decision.

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
SEPTEMBER 29, 2021
PAGE 8 of 9**

Roll Call:

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

The motion carried.

Motion by Member Deeds, supported by Member Parm, to deny appeal number two due to the failure to meet the timing requirements of an administrative appeal as defined in Zoning Ordinance Section 13.06(1), requiring an appeal be filed within 60 calendar days from the decision.

Roll Call:

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

The motion carried.

Motion by Member Deeds, supported by Member Parm to deny appeal number three due to the correct interpretation of the Township Zoning Official on setback requirements per Zoning Ordinance Section 3.101 for the building application for a garage at 5766 Geddes Road.

Roll Call:

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

The motion carried.

**SUPERIOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APPROVED MINUTES
SEPTEMBER 29, 2021
PAGE 9 of 9**

8. OLD BUSINESS

None.

9. OTHER BUSINESS AS NECESSARY

A. ZBA Bylaws

Motion by Member Lewis, supported by Member Craigmile to approve the ZBA Bylaws as presented. The motion carried.

B. Election of Officers for 2021

Motion by Member Brennan supported by Member Lewis to nominate Doug Dail as Chair. Member Dail accepted. The motion carried.

Motion by Member Lewis supported by Member Parm to nominate Rebecca Craigmile as Vice-Chair. Member Craigmile accepted. The motion carried.

Motion by Member Lewis supported by Member Craigmile to nominate Daniel Deeds as Secretary. Member Deeds accepted. The motion carried.

10. ADJOURNMENT

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

Respectfully submitted,

Douglas Dail, Chairman Zoning Board of Appeals

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

JEAN-MARIE L. MOULIERE and

INGRID D. MOULIERE,

Plaintiffs/Counter-Defendants

vs.

Civil Action

No. 20-001274-CH

HON. TIMOTHY P. CONNORS

MATTHEW A. SCHUSTER and

ALYSSA L. CAIRO

Defendants/Counter-Plaintiffs

_____ /

PAGES 1 TO 285

TRANSCRIPTION OF VIDEO RECORDED TRIAL TESTIMONY

in front of HON. TIMOTHY P. CONNORS

Ann Arbor, Michigan,

Commencing at 8:59 a.m.,

Tuesday, April 11, 2023,

Transcribed from Video by Dale E. Rose, CSR-0087

1 APPEARANCES:

2

3 MR. J. ADAM BEHRENDT (P58607)

4 MS. MELISSA BENTON MOORE (P73018)

5 Bodman, PLC

6 201 West Big Beaver Road, Suite 500

7 Troy, Michigan 48034

8 (248) 743-6000

9 abehrendt@bodmanlaw.com

10 mmoore@bodmanlaw.com

11 Appearing on behalf of the

12 Plaintiffs/Counter-Defendants

13

14 MR. W. DANIEL TROYKA (P65155)

15 Conlin McKenney & Philbrick, P.C.

16 350 South Main Street, Suite 400

17 Ann Arbor, Michigan 48104

18 (734) 761-9000

19 troyka@cmplaw.com

20

21 and

22

23

24

25

1 APPEARANCES (CONTINUED)

2

3 MR. MICHAEL P. HINDELANG (P62900)

4 MS. LAURA E. BIERY (P82887)

5 Honigman, LLP

6 2290 First National Building

7 660 Woodward Avenue

8 Detroit, Michigan 48226

9 (313) 465-7000

10 mhindelang@honigman.com

11 lbiery@honigman.com

12 Appearing on behalf of

13 Defendants/Counter-Plaintiffs

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX TO EXAMINATIONS

Witness	Page
*** KYLE TROUTMANN***	
DIRECT EXAMINATION BY MS. MOORE.....	10
CROSS-EXAMINATION BY MS. BIERY.....	18
REDIRECT EXAMINATION BY MS. MOORE.....	21
*** MARK McCULLOCH ***	
DIRECT EXAMINATION BY MR. BEHRENDT:.....	23
CROSS-EXAMINATION BY MR. HINDELANG:.....	31
*** VICTOR CHEVRETTE ***	
DIRECT EXAMINATION BY MR. BEHRENDT.....	33
CROSS-EXAMINATION BY MR. HINDELANG.....	39
*** DANIEL SNYDER ***	
DIRECT EXAMINATION BY MR. BEHRENDT:.....	42
CROSS-EXAMINATION BY MR. HINDELANG:.....	94
CROSS-EXAMINATION (CONTINUED) BY MR. HINDELANG:	145
REDIRECT EXAMINATION BY MR. BEHRENDT:.....	156
RE-CROSS-EXAMINATION BY MR. HINDELANG:.....	163

1 INDEX OF EXAMINATIONS (CONTINUED)

2

3 *** MAJED GHUSSAINI ***

4 DIRECT EXAMINATION BY MR. BEHRENDT:..... 166

5 CROSS-EXAMINATION BY MR. HINDELANG:..... 186

6 REDIRECT EXAMINATION BY MR. BEHRENDT:..... 215

7 RECROSS-EXAMINATION BY MR. HINDELANG:..... 218

8 REDIRECT EXAMINATION (CONTINUED) BY MR. BEHRENDT:

9 220

10 *** GEORGE TSAKOFF ***

11 DIRECT EXAMINATION BY MS. MOORE:..... 221

12 CROSS-EXAMINATION BY MR. HINDELANG:..... 229

13 REDIRECT EXAMINATION BY MS. MOORE:..... 231

14 RECROSS-EXAMINATION BY MR. HINDELANG:..... 232

15 *** RICHARD MAYERNIK ***

16 DIRECT EXAMINATION BY MR. BEHRENDT:..... 238

17 CROSS EXAMINATION BY MR. HINDELANG:..... 263

18 REDIRECT EXAMINATION BY MR. BEHRENDT:..... 279

19 RECROSS-EXAMINATION BY MR. HINDELANG:..... 282

20

21

22

23

24

25

1 **official.**

2 Q. Do you have any college degrees or professional
3 certifications?

4 A. **Certifications, no college degrees, no.**

5 Q. I think we testified that you took some
6 certificates on zoning compliance and building
7 codes?

8 A. **Michigan State had a program for a Zoning
9 officials that I took and I had a license in
10 licenced mechanical contractor, building
11 contractor, plumbing contractor and registered
12 with the State as inspector and Building official
13 in all those categories.**

14 Q. You're the person my wife wishes I was and my
15 father wanted me to be.

16 Before Superior Township were you
17 involved in similar type of work?

18 A. **Yes, I worked in the City of Southfield as a
19 Building inspector for four years and then prior
20 to that a short stint at Van Buren Township -- I
21 started inspecting in an engineering
22 (INDECIPHERABLE).**

23 Q. Just as a point of reference I'm going to show
24 you Exhibit 1, make sure we can establish your
25 knowledge of the topics we've been talking about

1 today.

2 Have you ever seen this survey before?

3 **A. Yes, I have.**

4 Q. Just as a point of reference here, do you see
5 Geddes Road up top?

6 **A. Correct.**

7 Q. Huron River at the bottom?

8 **A. Yes.**

9 Q. Can you see the depiction of Parcel A?

10 **A. Un-huh.**

11 Q. And Parcels B and C?

12 **A. Correct.**

13 Q. Do you know who owns Parcel A?

14 **A. Parcel is owned by Matt Schuster and his wife.**

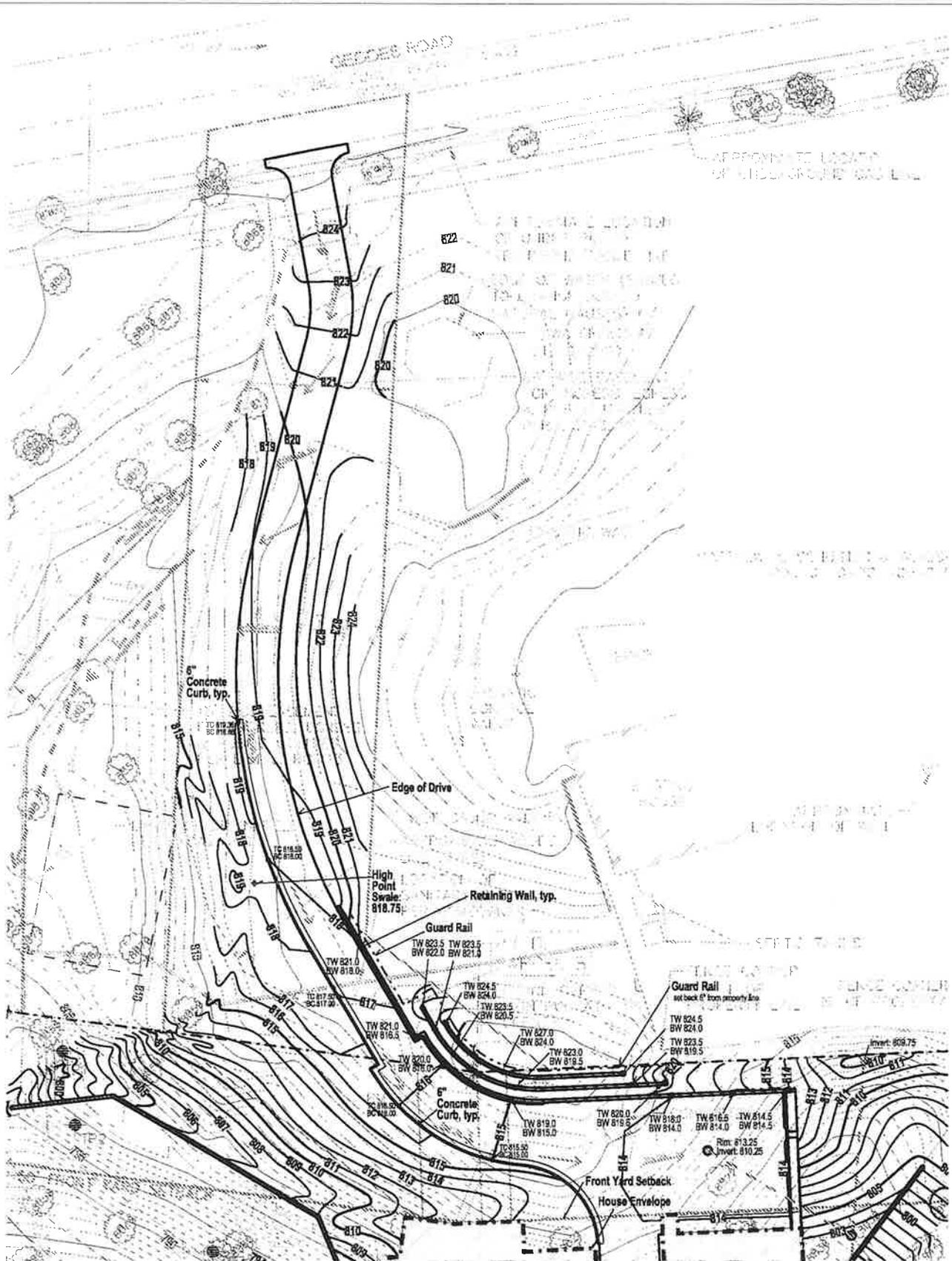
15 Q. And do you know who owns Parcels B and C?

16 **A. B and C actually no longer exist, but they're
17 owned by the Moulieres, they were combined.**

18 Q. Have you met the Moulieres for the first time
19 today?

20 **A. I believe I saw Ms. Moulriere someplace before,
21 but I don't recall (INDECIPHERABLE) I don't
22 believe we ever spoke, just had maybe met
23 briefly.**

24 Q. Are you aware that the Moulieres intend to build
25 a home on Parcels B and C?



Title:
 Updated Site Plan
Project:
 Moulriere Residence

Date: 29 November, 2021
 Issued For: Review

Scale: 1" = 30'-0"
 Drawn by: GGR



INSITE
 InSite Design Studio, Inc.

412 Langhorne
 Fort Mill, SC 29505
 803.547.1119
 Fax: 803.547.1119

CONTRACTOR is responsible for field verify location of all underground utilities prior to any work.

Copyright © 2021, InSite Design Studio, Inc.



Total: 26.17 ft

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

JEAN-MARIE L. MOULIERE and
INGRID D. MOULIERE,

Plaintiffs/Counter-Defendants,

-vs-

Civil Action
No. 20-001274-CH
Hon. Timothy Connors

MATTHEW A. SCHUSTER and
ALYSSA L. CAIRO,

Defendants/Counter-Plaintiffs.

_____ /

PAGE 1 TO 302

The third day of bench trial in the above matter,
Taken at 101 East Huron Street,
Ann Arbor, Michigan,
Commencing at 9:00 a.m.,
Held on April 12, 2023,
Transcribed by Caitlyn Hartley, RPR, CSR-8887.

1 APPEARANCES:

2 MR. J. ADAM BEHRENDT (P58607)

3 Bodman PLC

4 201 W Big Beaver Road, Suite 500

5 Troy, Michigan 48084

6 (248) 743-6068

7 jbehrendt@bodmanlaw.com

8 Appearing on behalf of the
9 Plaintiffs/Counter-Defendants.

10

11 MR. MICHAEL HINDELANG (P62900)

12 Honigman LLP

13 660 Woodward Avenue, Suite 2290

14 Detroit, Michigan 48226

15 (313) 465-7412

16 mhindelang@honigman.com

17 Appearing on behalf of the
18 Defendants/Counter-Plaintiffs.

19

20 ALSO PRESENT:

21 Melissa Moore, on behalf of Plaintiffs

22 W. Daniel Troyka, on behalf of Defendants

23 Laura Biery, on behalf of Defendants

24 Jean-Marie Moulriere and Ingrid D. Moulriere, Plaintiffs

25 Matthew A. Schuster and Alyssa L. Cairo, Defendants

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TABLE OF CONTENTS

E X A M I N A T I O N S

Witness	Page
MATTHEW SCHUSTER	
Direct Examination by Mr. Hindelang	20
Cross Examination by Mr. Behrendt	114
Re-direct Examination by Mr. Hindelang	178
Re-cross Examination by Mr. Behrendt	181
LAURA BENNETT	
Direct Examination by Mr. Hindelang	183
JOHN BARBER	
Direct Examination by Mr. Hindelang	187
Cross Examination by Mr. Behrendt	202
Re-direct Examination by Mr. Hindelang	211
Re-cross Examination by Mr. Behrendt	213
ALAN FLAK	
Direct Examination by Mr. Hindelang	214
Cross Examination by Mr. Behrendt	246
Re-direct Examination by Mr. Hindelang	253

1 **A. Rick Meyrick's retirement.**

2 Q. Thank you. And have you been asked to perform
3 any zoning reviews of 5766 Geddes the Schuster parcel?

4 **A. No.**

5 Q. Have you ever received or been asked to consider
6 a variance application for 5766 Geddes?

7 **A. A variance for zoning board of appeals?**

8 Q. Yes.

9 **A. We've received -- okay. 5766 is the Schuster
10 property?**

11 Q. Sorry.

12 **A. That's okay. Sometimes I --**

13 Q. Fair point. Let me ask again. Have you received
14 any requests for consideration of a variance for the
15 Schuster parcel?

16 **A. I can't be certain. There's been a zoning board
17 of appeals request on both for one of the properties.**

18 Q. Okay. So the -- would you agree with me -- I'm
19 going to try to do this quickly -- there's been a lot of
20 testimony over the last week.

21 **A. Sure.**

22 **Q. Would you agree with me that a retaining wall
23 over four feet is considered a structure for purposes of
24 zoning review?**

25 **A. I would consider it. Yes.**

1 Q. And have you ever been asked to consider whether
2 a structure can be built where it is on the Schuster
3 parcel without further approval of your office?

4 A. No.

5 Q. Very good.

6 MR. HINDELANG: That's all I needed from
7 you, Ms. Bennett.

8 THE WITNESS: Okay.

9 MR. BEHRENDT: I don't have any.

10 THE WITNESS: I can go?

11 MR. HINDELANG: We told you it would be easy
12 for you, Laura.

13 JUDGE CONNORS: Say hi to the township for
14 us.

15 THE WITNESS: Yes certainly.

16 MR. BEHRENDT: Let them know we're thinking
17 of them.

18 MR. HINDELANG: Your Honor, we call John
19 Barber.

20 JUDGE CONNORS: Good afternoon, sir.

21 THE WITNESS: Good afternoon.

22 JUDGE CONNORS: Would you raise your right
23 hand, please?

24 THE CLERK: Do you swear or affirm the
25 testimony you're about to give will be the truth, the

CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN

April 4, 2022

Mr. Schuster
5766 Geddes Rd.
Ann Arbor, MI 48105

Mr. Schuster,

I have reviewed your building permit application and drawing from Bowers& Associates and have the following comments:

- Building permits are not required for retaining walls which are 4-foot or less in height measured from the bottom of the footing to the top of the wall. Based upon the notes on your plan, it appears that the wall at your south property line and portions of the walls at the proposed parking pad are 4-foot or less and would not require a building permit.
- Other portions of the retaining wall at the proposed parking pad exceed 4-foot in height and do require a permit however, the details of the construction at this area are unclear. Please submit additional construction drawings and details (section cuts) of the retaining walls at this location.
- Please complete the attached Certificate of Zoning Compliance.
- Please find attached your check #1469 as payment for permits occurs once the permit is ready for pick-up.



Richard Mayernik, CBO
Building/Zoning Official

Trial
04/11/2023

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

JEAN-MARIE L. MOULIERE and

INGRID D. MOULIERE,

Plaintiffs/Counter-Defendants

vs.

Civil Action

No. 20-001274-CH

HON. TIMOTHY P. CONNORS

MATTHEW A. SCHUSTER and

ALYSSA L. CAIRO

Defendants/Counter-Plaintiffs

_____ /

PAGES 1 TO 285

TRANSCRIPTION OF VIDEO RECORDED TRIAL TESTIMONY

in front of HON. TIMOTHY P. CONNORS

Ann Arbor, Michigan,

Commencing at 8:59 a.m.,

Tuesday, April 11, 2023,

Transcribed from Video by Dale E. Rose, CSR-0087

1 APPEARANCES:

2

3 MR. J. ADAM BEHRENDT (P58607)

4 MS. MELISSA BENTON MOORE (P73018)

5 Bodman, PLC

6 201 West Big Beaver Road, Suite 500

7 Troy, Michigan 48034

8 (248) 743-6000

9 abehrendt@bodmanlaw.com

10 mmoore@bodmanlaw.com

11 Appearing on behalf of the

12 Plaintiffs/Counter-Defendants

13

14 MR. W. DANIEL TROYKA (P65155)

15 Conlin McKenney & Philbrick, P.C.

16 350 South Main Street, Suite 400

17 Ann Arbor, Michigan 48104

18 (734) 761-9000

19 troyka@cmplaw.com

20

21 and

22

23

24

25

1 APPEARANCES (CONTINUED)

2

3 MR. MICHAEL P. HINDELANG (P62900)

4 MS. LAURA E. BIERY (P82887)

5 Honigman, LLP

6 2290 First National Building

7 660 Woodward Avenue

8 Detroit, Michigan 48226

9 (313) 465-7000

10 mhindelang@honigman.com

11 lbiery@honigman.com

12 Appearing on behalf of

13 Defendants/Counter-Plaintiffs

14

15

16

17

18

19

20

21

22

23

24

25

1 INDEX TO EXAMINATIONS

2 Witness Page

3

4 *** KYLE TROUTMANN***

5 DIRECT EXAMINATION BY MS. MOORE.....10

6 CROSS-EXAMINATION BY MS. BIERY.....18

7 REDIRECT EXAMINATION BY MS. MOORE.....21

8 *** MARK McCULLOCH ***

9 DIRECT EXAMINATION BY MR. BEHRENDT:..... 23

10 CROSS-EXAMINATION BY MR. HINDELANG:..... 31

11 *** VICTOR CHEVRETTE ***

12 DIRECT EXAMINATION BY MR. BEHRENDT.....33

13 CROSS-EXAMINATION BY MR. HINDELANG.....39

14 *** DANIEL SNYDER ***

15 DIRECT EXAMINATION BY MR. BEHRENDT:..... 42

16 CROSS-EXAMINATION BY MR. HINDELANG:..... 94

17 CROSS-EXAMINATION (CONTINUED) BY MR. HINDELANG:

18 145

19 REDIRECT EXAMINATION BY MR. BEHRENDT:..... 156

20 RECROSS-EXAMINATION BY MR. HINDELANG:..... 163

21

22

23

24

25

1 (INDECIPHERABLE) Everything you told me I learned
2 40 years ago when I was representing you guys;
3 same thing.

4 MR. BEHRENDT: Your Honor, our next
5 witness is Vic Chevrette, the fire chief. I told
6 him 9:30. If I could ask for the Court's
7 patience for a few minutes here.

8 THE COURT: Sure.

9 THE COURT: Your next witness is here.

10 MR. BEHRENDT: Sure. Your Honor, we
11 call Vic Chevrette.

12 VICTOR G. CHEVRETTE,
13 having first been duly sworn, was examined and
14 testified on his oath as follows:

15 THE CLERK: Go ahead and have a seat on
16 the witness stand. Once you get seated, please
17 state and spell your name for the record.

18 THE WITNESS: My name is Victor G.
19 Chevrette, last name C-h-e-v-r-e-t-t-e.

20 THE COURT: Thank you, go right ahead.

21 DIRECT EXAMINATION

22 BY MR. BEHRENDT:

23 Q. Thank you, sir. I appreciate you coming this
24 morning. Sir, what do you do for a living?

25 A. I am fire chief for Superior Township Fire

1 **Department.**

2 Q. How long have you been employed by Superior
3 Township?

4 A. **Since 2015.**

5 Q. Have you been a firefighter your whole life?

6 A. **Yes, sir.**

7 Q. Can you just describe for me just generally what
8 the duties are of the fire chief in a fire
9 department?

10 A. **For Superior Township I oversee the**
11 **administrative operations of the fire department**
12 **as well as function as the fire marshal at the**
13 **time for the Township, review all the fire codes.**

14 Q. Are you familiar with the requirements of the
15 fire chief and fire codes and things of that
16 nature?

17 A. **Yes, sir.**

18 Q. **As fire chief are you consulted regarding**
19 **emergency access to driveways at residential**
20 **homes?**

21 A. **Yes, I am.**

22 Q. **Do you approve whether a residential home has**
23 **sufficient emergency access?**

24 A. **A single residential home relies a lot on the**
25 **Building Department. I don't see much of**

1 regulations on the structure itself. However,
2 the access road or the driveway, I'm usually
3 consulted about that.

4 Q. Sir, we've been talking about property at 5728
5 Geddes Road and we have on here a depiction of
6 the survey of the property. Let me orient you to
7 it.

8 Here's Geddes Road, here's the Huron
9 River and Parcel A has an existing house on it.
10 Parcel B and C are intended to develop a home.

11 Were you consulted about a driveway
12 accessing Parcels B and C?

13 A. Vaguely I would say yes.

14 Q. Do you recall speaking with somebody from Insight
15 Designs regarding the width of the driveway?

16 A. Yes, I do.

17 Q. What -- does the Township require the driveway be
18 a certain width to accommodate, in this instance,
19 the emergency vehicles?

20 A. There is nothing in the fire code that addresses
21 a driveway. It addresses a fire access road, so
22 what I did was when that person contacted me I
23 gave them the portion of the International Fire
24 Code 2015, the segment on access roads for the
25 fire apparatus and also the turnarounds at the

1 end of the access road.

2 Q. Did you set the fire width at 14 feet?

3 A. The code calls for 24 feet, but that's for a
4 roadway. Driveways, we consulted and seeing
5 there was only a single family home on this
6 driveway I as the code official could accept that
7 as acceptable.

8 Q. Can I set up Exhibit D, please?

9 Sir, I know it's hard to read. There's
10 a small black binder in front of you on the table
11 and I'm going to direct you to -- do you see the
12 tabs. I can ask you to turn to the tab marked 8.

13 A. Which one?

14 Q. 8.

15 A. Okay.

16 Q. Sir, if you see Exhibit 8 purports to be a e-mail
17 from you to Shannon (INDECIPHERABLE) Randall, do
18 you see that?

19 A. Yes, sir.

20 Q. And is your e-mail address correctly depicted
21 there?

22 A. That is correct.

23 Q. Did you send this e-mail?

24 A. Yes, sir.

25 Q. Do you see it says that there's an attachment as

1 well?

2 A. Yes.

3 Q. If you turn the page is that Appendix D the
4 attachment?

5 A. Yes, it is.

6 Q. I see here there's references to the
7 International Fire Code like we talked about,
8 correct?

9 A. Yes, sir.

10 Q. I see that there's a portion regarding required
11 access that in the Section D1021 it says,
12 paraphrasing, apparatus by way of approved fire
13 apparatus access road with an asphalt, concrete
14 or other approved drive surface.

15 Do you see that on that D -- that
16 second one there, do you --

17 A. Yes, sir, I do see that.

18 Q. I unfortunately forgot my reading glasses today,
19 so I'm (INDECIPHERABLE) myself.

20 Sir, does it make a reference there --
21 how much does a fire truck weigh?

22 A. Our heaviest truck is 80,000 pounds.

23 Q. How much does a fire truck cost, hundreds of
24 thousands of dollars?

25 A. Today's cost is a ladder truck is \$1.4 million,

1 our tanker is probably about \$900,000.

2 **Q. Would it be correct to say that these**
3 **requirements are not only for safety, but to make**
4 **sure also to the public's money is not wasted if**
5 **it falls off a cliff?**

6 **A. Yes, sir.**

7 Q. Falls into a ditch?

8 **A. Yes.**

9 Q. I see also that -- I'm jumping here to D1032,
10 that is a certain grade requirement?

11 **A. Yes, sir.**

12 Q. Is that grade 10 percent?

13 **A. Yes.**

14 Q. And then jumping, looks like -- looking at D1033
15 and D1034 in conjunction, you need to be able to
16 turn the fire truck around, right?

17 **A. At a certain distance, yes.**

18 Q. Did the fire department in this instance require
19 a turnaround for the fire truck?

20 **A. I had not received any blueprints to review.**
21 **This was just material that was given to the**
22 **engineer to review.**

23 Q. Okay, but on a property such as this would the
24 expectation be that there be a turnaround for the
25 fire department?

1 A. Depending on the distance of the driveway from
2 Geddes Road to the home. You know, some fire
3 trucks can back out. It could be 150 feet, 300
4 feet as an example in distance, so there wouldn't
5 be any turnaround required.

6 Q. This, however, does identify a turnaround option
7 at the bottom as well?

8 A. Yes, sir.

9 MR. BEHRENDT: That's all the questions
10 I have, sir.

11 THE COURT: Cross-examination.

12 CROSS-EXAMINATION

13 BY MR. HINDELANG:

14 Q. Chief, I heard you tell Mr. Behrendt there's
15 nothing in the code for driveways, so you looked
16 at the access road provisions for guidance, is
17 that fair?

18 A. Correct.

19 Q. A 75,000 pound limit is something you must have
20 to support your trucks, fair enough?

21 A. Right.

22 Q. The Transportation Department requires 12 feet
23 for certain driveways, 10 for others. Fair to
24 say a 12-foot drive is something you must have to
25 fit your truck?

1 A. Yes.

2 Q. 14-foot is nice to have, but not a must have, is
3 that fair?

4 A. I would say that's fair.

5 Q. Moving out to a 20-foot driveway, it's nice to
6 have, but not a must have, is that fair?

7 A. Yes.

8 Q. A turnaround for something like this is nice to
9 have, but not a must have because you can back
10 out?

11 A. Depending on the distance.

12 Q. Depending on the distance and you've never been
13 given plans to review or approve for 5728,
14 correct?

15 A. No, sir.

16 MR. HINDELANG: Thank you very much,
17 that's all I have for you.

18 THE COURT: Any redirect?

19 REDIRECT EXAMINATION

20 BY MR. BEHRENDT:

21 Q. Sir, you testified 14 feet in this instance?

22 A. I did in (INDECIPHERABLE).

23 MR. BEHRENDT: Thank you, sir.

24 RECROSS-EXAMINATION

25 BY MR. HINDELANG:

1 Q. Just one follow-up there. Did you tell them that
2 14 feet was necessary for an approved driveway or
3 when asked what would you like to see did you say
4 14 feet is nice to have versus a must have?

5 A. I believe, if I can recall correctly, was 14 feet
6 was acceptable because of the distance of the
7 driveway from Geddes Road to the home. It's not
8 that far, so that width was acceptable.

9 Q. Fair to say they never asked you if they could do
10 something narrower?

11 A. No.

12 Q. Fair to say they never asked if they could make
13 other adjustments to accommodate the necessity of
14 making changes in an easement?

15 A. I have no knowledge of that, sir.

16 Q. Fair to say they never asked you if particular
17 driveway locations would work?

18 A. No, sir.

19 MR. HINDELANG: Thank you very much,
20 Chief.

21 THE COURT: Thank you very much.
22 Careful stepping down.

23 MR. BEHRENDT: Sir, thank you for your
24 time.

25 THE WITNESS: Thank you.

Trial
04/10/2023

STATE OF MICHIGAN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

JEAN-MARIE L. MOULIERE and
INGRID D. MOULIERE,
Plaintiffs/Counter-Defendants,
-vs- Civil Action
No. 20-001274-CH
Hon. Timothy Connors

MATTHEW A. SCHUSTER and
ALYSSA L. CAIRO,
Defendants/Counter-Plaintiffs.

_____ /

PAGE 1 TO 301

Day one of bench trial in the above matter,
Taken at 101 East Huron Street,
Ann Arbor, Michigan,
Commencing at 9:00 a.m.,
Held on April 10, 2023,
Transcribed by Caitlyn Hartley, RPR, CSR-8887.

1 APPEARANCES:

2 MR. J. ADAM BEHRENDT (P58607)

3 Bodman PLC

4 201 W Big Beaver Road, Suite 500

5 Troy, Michigan 48084

6 (248) 743-6068

7 jbehrendt@bodmanlaw.com

8 Appearing on behalf of the
9 Plaintiffs/Counter-Defendants.

10

11 MR. MICHAEL HINDELANG (P62900)

12 Honigman LLP

13 660 Woodward Avenue, Suite 2290

14 Detroit, Michigan 48226

15 (313) 465-7412

16 mhindelang@honigman.com

17 Appearing on behalf of the
18 Defendants/Counter-Plaintiffs.

19

20 ALSO PRESENT:

21 Melissa Moore, on behalf of Plaintiffs

22 W. Daniel Troyka, on behalf of Defendants

23 Laura Biery, on behalf of Defendants

24 Jean-Marie Mouliere and Ingrid D. Mouliere, Plaintiffs

25 Matthew A. Schuster, Defendant

	TABLE OF CONTENTS	
	E X A M I N A T I O N S	
3	Witness	Page
4	INGRID MOULIERE	
5	Direct Examination by Mr. Behrendt	39
6	Cross Examination by Mr. Hindelang	48
7	Re-direct Examination by Mr. Behrendt	65
8	Re-cross Examination by Mr. Hindelang	72
9		
10	JOSEPH LLOYD	
11	Direct Examination by Mr. Behrendt	76
12	Cross Examination by Mr. Hindelang	92
13	Re-direct Examination by Mr. Behrendt	107
14		
15	SHANNON GIBB-RANDALL	
16	Direct Examination by Mr. Behrendt	112
17	Cross Examination by Mr. Hindelang	169
18	Re-direct Examination by Mr. Behrendt	241
19	Re-cross Examination by Mr. Hindelang	246
20		
21	CRAIG HINZ	
22	Direct Examination by Mr. Behrendt	247
23	Cross Examination by Mr. Hindelang	265
24	Re-direct Examination by Mr. Behrendt	297
25		

1 THE WITNESS: I do.

2 THE CLERK: Go ahead and have a seat. Once
3 you're seated, please state and spell your name for the
4 record.

5 THE WITNESS: Shannan Gibb-Randall.

6 S-H-A-N-N-A-N. Excuse me. G-I-B-B hyphen

7 R-A-N-D-A-L-L.

8 JUDGE CONNORS: Thank you. And there's
9 water here if you need.

10 THE WITNESS: Thank you.

11 DIRECT EXAMINATION BY MR. BEHRENDT:

12 Q. You all set?

13 A. All set.

14 Q. Good afternoon. Shannan, are you employed?

15 A. I am.

16 Q. And by whom?

17 A. InSite Design Studio.

18 Q. What does that company do?

19 A. We are landscape architects.

20 Q. What is your role at the company?

21 A. I am the principal.

22 Q. How long have you been in landscape -- well
23 strike that. Are you a landscape architect?

24 A. I am.

25 Q. How long have you been a landscape architect?

1 Q. Yes ma'am.

2 A. You're only going up a block and a half; you're
3 not going 60 inches then.

4 Q. There's only a block and a half underground I'm
5 asking --

6 A. Oh you're talking about the entire thing?

7 Q. Right you're talking --

8 A. Sorry --

9 Q. -- bottom of wall --

10 A. Yeah. Got it.

11 Q. Okay. So here's my question again: This shows
12 above the ground more than four feet, doesn't it?

13 A. It does, yeah.

14 Q. So when you say you designed these walls to be
15 four feet, you had no expectation that the engineer
16 would design a 7.5 foot wall with five feet exposed, did
17 you?

18 A. No. That is -- that was a surprise to me so they
19 adjusted it somewhat, yep.

20 Q. All right. What took us off on this tangent was
21 the four foot walls and back to my question for you. If
22 the house was raised just two feet, that won't have any
23 impact on the septic field; it would reduce the walls in
24 the easement area of the Schuster property, correct?

25 A. Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

JEAN-MARIE L. MOULIERE and
INGRID D. MOULIERE,

Plaintiffs/Counter-Defendants

vs.

Civil Action

No. 20-001274-CH

HON. TIMOTHY P. CONNORS

MATTHEW A. SCHUSTER and
ALYSSA L. CAIRO

Defendants/Counter-Plaintiffs

_____ /

PAGES 1 TO 285

TRANSCRIPTION OF VIDEO RECORDED TRIAL TESTIMONY

in front of HON. TIMOTHY P. CONNORS

Ann Arbor, Michigan,

Commencing at 8:59 a.m.,

Tuesday, April 11, 2023,

Transcribed from Video by Dale E. Rose, CSR-0087

1 APPEARANCES:

2

3 MR. J. ADAM BEHRENDT (P58607)

4 MS. MELISSA BENTON MOORE (P73018)

5 Bodman, PLC

6 201 West Big Beaver Road, Suite 500

7 Troy, Michigan 48034

8 (248) 743-6000

9 abehrendt@bodmanlaw.com

10 mmoore@bodmanlaw.com

11 Appearing on behalf of the

12 Plaintiffs/Counter-Defendants

13

14 MR. W. DANIEL TROYKA (P65155)

15 Conlin McKenney & Philbrick, P.C.

16 350 South Main Street, Suite 400

17 Ann Arbor, Michigan 48104

18 (734) 761-9000

19 troyka@cimplaw.com

20

21 and

22

23

24

25

1 APPEARANCES (CONTINUED)

2

3 MR. MICHAEL P. HINDELANG (P62900)

4 MS. LAURA E. BIERY (P82887)

5 Honigman, LLP

6 2290 First National Building

7 660 Woodward Avenue

8 Detroit, Michigan 48226

9 (313) 465-7000

10 mhindelang@honigman.com

11 lbiery@honigman.com

12 Appearing on behalf of

13 Defendants/Counter-Plaintiffs

14

15

16

17

18

19

20

21

22

23

24

25

INDEX TO EXAMINATIONS

1
2 Witness Page
3
4 *** KYLE TROUTMANN***
5 DIRECT EXAMINATION BY MS. MOORE.....10
6 CROSS-EXAMINATION BY MS. BIERY.....18
7 REDIRECT EXAMINATION BY MS. MOORE.....21
8 *** MARK McCULLOCH ***
9 DIRECT EXAMINATION BY MR. BEHRENDT:..... 23
10 CROSS-EXAMINATION BY MR. HINDELANG:..... 31
11 *** VICTOR CHEVRETTE ***
12 DIRECT EXAMINATION BY MR. BEHRENDT.....33
13 CROSS-EXAMINATION BY MR. HINDELANG.....39
14 *** DANIEL SNYDER ***
15 DIRECT EXAMINATION BY MR. BEHRENDT:..... 42
16 CROSS-EXAMINATION BY MR. HINDELANG:..... 94
17 CROSS-EXAMINATION (CONTINUED) BY MR. HINDELANG:
18 145
19 REDIRECT EXAMINATION BY MR. BEHRENDT:..... 156
20 RECROSS-EXAMINATION BY MR. HINDELANG:..... 163
21
22
23
24
25

1 INDEX OF EXAMINATIONS (CONTINUED)

2

3 *** MAJED GHUSSAINI ***

4 DIRECT EXAMINATION BY MR. BEHRENDT:..... 166

5 CROSS-EXAMINATION BY MR. HINDELANG:..... 186

6 REDIRECT EXAMINATION BY MR. BEHRENDT:..... 215

7 RECROSS-EXAMINATION BY MR. HINDELANG:..... 218

8 REDIRECT EXAMINATION (CONTINUED) BY MR. BEHRENDT:

9 220

10 *** GEORGE TSAKOFF ***

11 DIRECT EXAMINATION BY MS. MOORE:..... 221

12 CROSS-EXAMINATION BY MR. HINDELANG:..... 229

13 REDIRECT EXAMINATION BY MS. MOORE:..... 231

14 RECROSS-EXAMINATION BY MR. HINDELANG:..... 232

15 *** RICHARD MAYERNIK ***

16 DIRECT EXAMINATION BY MR. BEHRENDT:..... 238

17 CROSS EXAMINATION BY MR. HINDELANG:..... 263

18 REDIRECT EXAMINATION BY MR. BEHRENDT:..... 279

19 RECROSS-EXAMINATION BY MR. HINDELANG:..... 282

20

21

22

23

24

25

1 THE COURT: Sure. Those objections
2 stand and over those objections 25 is admitted.

3 MR. BEHRENDT: Thank you.

4 BY MR. HINDELANG:

5 Q. Mr. Ghussaini, you prepared designs and
6 calculations and you testified the Township
7 engineers reviewed them, correct?

8 A. Yes, sir.

9 Q. Those Township calcu -- or, sorry, those
10 calculations you had reviewed by the Township --
11 don't pull it up yet -- were your original set,
12 not revised, correct?

13 A. Correct.

14 Q. To your knowledge, has the Township ever reviewed
15 or approved your Revision-2?

16 A. Not that I'm aware of, no.

17 Q. To your knowledge has the Township ever reviewed
18 or approved your Revision-3?

19 A. Not that I'm aware of, no.

20 Q. You also testified that while you didn't inspect,
21 you looked at the walls and in general they were
22 built in accordance with your specifications, is
23 that right?

24 A. Yes, sir.

25 Q. Were you referring to the specifications Version

1 pounds, would you accept that representation?

2 A. I don't know.

3 Q. Okay, would you turn with me, please, to Exhibit
4 8 in the black book.

5 A. Okay.

6 Q. Second page of Exhibit 8 identifies a 75,000
7 weight to be considered for access roads, do you
8 see that?

9 A. Okay.

10 Q. And I'll represent to you that the fire chief
11 testified earlier that this is a driveway, not an
12 access road, but 75,000 is something he considers
13 necessary.

14 Are you following my representation?

15 A. Sure.

16 Q. In order to support 75,000 pounds the -- your
17 standards, your NCMA standards, would call for
18 the use of at least a 240 psf, usually use 250
19 psf like you did for highway traffic, to support
20 that, correct?

21 A. That's correct.

22 Q. Wall 7 isn't designed to support that fire truck,
23 is it, sir?

24 A. It's designed for 150 psf.

25 Q. 150 psf?

1 **A. Light traffic, yes.**

2 **Q. So it's not designed to support the 75,000 fire**
3 **truck, is it?**

4 **A. Not that I'm aware of, no.**

5 MR. HINDELANG: Thank you,
6 Mr. Ghussaini, that's all I have for you.

7 THE COURT: Redirect.

8 REDIRECT EXAMINATION

9 BY MR. BEHRENDT:

10 **Q. Mr. Ghussaini, have you designed Wall 7 yet or is**
11 **that still in progress?**

12 **A. We designed it, but based on the information we**
13 **have it could be changed. If that's going to be**
14 **a fire truck, then we would probably change that**
15 **design and make sure it meets those requirements.**

16 **Q. And that's doable?**

17 **A. Very much so. It hasn't been done, so it hasn't**
18 **been submitted.**

19 **Q. It's not fatal to the project?**

20 **A. It's not fatal, no.**

21 **Q. A lot of questions regarding soil on the property**
22 **and what's there now and what was there a year**
23 **ago on the topographic.**

24 You said the words "it's a back yard."

25 **A. The Schuster property?**

Building and Zoning Department

3040 North Prospect

Ypsilanti, Michigan 48198

Phone: (734) 482-6099

Fax: (734) 482-3842

Hours: Monday-Friday 8:00 am - 4:00 pm

5766 GEDDES RD

Location

SCHUSTER MATTHEW A & CAIRO ALYSSA L **Owner**
 5766 GEDDES RD
 ANN ARBOR MI 48105

J-10-30-400-055

Issued: 12/21/23

PLEASE CALL (734) 482-6099 FOR AN INSPECTION 24 HOURS IN ADVANCE.

Snyder Contracting LLC **Contractor**
 8650 Huron River Dr
 Dexter MI 48130

Work Description: Completion of retaining wall, driveway and possible fence or handrail at top of retaining wall.
 Wall to be made of Redi-wall cobblestone. Driveway to be gravel during construction and finished as concrete.
 Fence or handrail is TBD.

Permit Item	Work Type	No. of Items	Item Total
Building Valuation	Permit Fee	100.000.00	\$650.00

Bill Balmes - Building Official

Fee Total: \$650.00

I agree this permit is only for the work described, and does not grant permission for additional or related work which requires separate permits. I understand that this permit will expire, and become null and void if work is not started within 180 days, or if work is suspended or abandoned for a period of 180 days at any time after work has commenced, and, that I am responsible for assuring all required inspections are requested in conformance with the applicable code. I hereby certify that the proposed work is authorized by the owner, and that I am authorized by the owner to make this application as his authorized agent. I agree to conform to all applicable laws of the State of Michigan and the local jurisdiction. All information on the permit application is accurate to the best of my knowledge.

Payment of permit fee constitutes acceptance of the above terms.



BUILDING PERMIT APPLICATION (revised 03-01-23)

Charter Township of Superior
3040 N. Prospect, Ypsilanti, MI 48198
(734) 482-8099

Applicant to Complete All Items in Sections I, II, III, IV and V
NOTE: Separate Applications Must Be Completed for Plumbing, Mechanical, & Electrical

I. JOB LOCATION	
Street Address of Job 5766 Geddes Rd Ann Arbor MI 48105	Project Name/Subdivision N/A

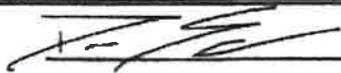
II. IDENTIFICATION					
A. OWNER OR LESSEE					
Name Matt Schuster			Address 5766 Geddes Rd.		
City Ann Arbor	State MI	Zip Code 48105	Phone 248-790-5650	Email mattaschuster@yahoo.com	
B. APPLICANT INFORMATION					
<input type="checkbox"/> HOMEOWNER		<input checked="" type="checkbox"/> CONTRACTOR		<input type="checkbox"/> ARCHITECT/ENGINEER	
<input type="checkbox"/> AGENT					
Name/ Company Name Snyder Contracting LLC		License Number 242200533		Expiration Date 5/31/2025	
Address 8650 Huron River Dr		City Dexter	State MI	Zip Code 48130	
Telephone (with area code) (734) 5454840		Email Dan@snydercontractingllc.com			
Workers Comp. Ins. Carrier Accident fund of America		Federal Employer ID # 46-0915638			

III. TYPE OF IMPROVEMENT AND PLAN REVIEW		
A. PROPOSED USE OF BUILDING AND TYPE OF IMPROVEMENT		
<input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> NON-RESIDENTIAL		
<input type="checkbox"/> New Building	<input type="checkbox"/> Addition	<input type="checkbox"/> Mobile Home
<input checked="" type="checkbox"/> Alteration	<input type="checkbox"/> Repair	<input type="checkbox"/> Demolition

IF RESIDENTIAL-describe in detail scope of work; IF NONRESIDENTIAL-describe proposed use of building, e.g. food processing plant, machine shop, laundry building at hospital, elementary school, college parking garage, rental office building. If use of existing building is being changed, enter proposed use.
Completion of retaining wall, driveway and possible fence or handrail and top of retaining wall
Wall to be made of Redi-wall coblestone. Driveway to be gravel during construction and finished as concrete.
Fence or handrail is TBD

APPLICATION FOR BUILDING PERMIT AND PLAN EXAMINATION - PAGE TWO

IV. CHARACTERISTICS OF BUILDING			
A. TYPE OF WATER SUPPLY AND SEWAGE DISPOSAL			
<input type="checkbox"/> Public Water	<input type="checkbox"/> Public Sewer	<input type="checkbox"/> Private Well	<input type="checkbox"/> Septic System
B. DIMENSION/DATA			
Floor Area	<u>Alteration</u>	<u>New</u>	Construction Cost (for submit copy of contract) <u>100,000</u>
Basement	_____	_____	
1st & 2nd Floor	_____	_____	

V. SIGNATURE	
I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT, AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE STATE OF MICHIGAN. ALL INFORMATION SUBMITTED ON OR WITH THIS APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.	
Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subject to civil fines.	
APPLICANT SIGNATURE: <u></u> PRINT NAME: <u>Daniel Snyder</u>	DATE: <u>11/2/2023</u>

BUILDING DEPARTMENT USE ONLY				
	REQUIRED?		RECEIVED	NOTES
A. Zoning Review	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/>	
B. Well/Septic Permit	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/>	
C. Driveway Permit	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/>	
D. Soil Erosion	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/>	
E. Utility Charges	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/>	
F. Wetlands	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/>	
Data <u>SEE FRONT</u>				
Construction Type	Use Group	Square Footage	Occupant Load	
Parcel Number	Valuation		Zoning District	
Approval Signature	Date	Permit Fee		
<u>Bill Adams</u>	<u>12-19-2023</u>	<u>\$650.-</u>		

SUPERIOR CHARTER TOWNSHIP
3040 NORTH PROSPECT, YPSILANTI, MI 48198
TELEPHONE (734) 482-6099 FAX (734) 482-3842

Certificate of Zoning Compliance

This application must be accompanied by a site plan which is drawn to scale and contains the following information: 1) scale, date and north point. 2) location, shape and dimensions of the lot. 3) dimensioned location, outline and dimensions of all existing and proposed structures, and location and extent of uses not involving structures.

Address of Property: 5766 Geddes Rd Ann Arbor MI 48105

Applicant Name: Daniel Snyder Snyder Contracting LLC

Address: 8650 Huron River Dr

City, State, Zip Code: Dexter MI 48130

Phone Number: 7345454840 Email Address: Dan@snydercontractingllc.com

Provide a complete description of existing and intended uses of the property and structures, existing and proposed:

Completion of retaining wall, driveway and possible fence or handrail and top of retaining wall

The undersigned certifies that he/she is the owner or agent of the owner authorized to submit this application.


Applicant Signature

11/18/23
Date

.....

Towship Use Only

Parcel Number: J-10-30-400-055

Site Plan Number: N/A

Parcel Zoning District: R-1

Zoning Administrator: Jane Bennett

Zoning Compliance Approved

Zoning Compliance Denied

Reason for Denial: _____

This plan MUST be on site when inspection is made, otherwise inspection will not be made.

SUPERIOR TOWNSHIP BUILDING DEPT
REVIEWED FOR CODE COMPLIANCE

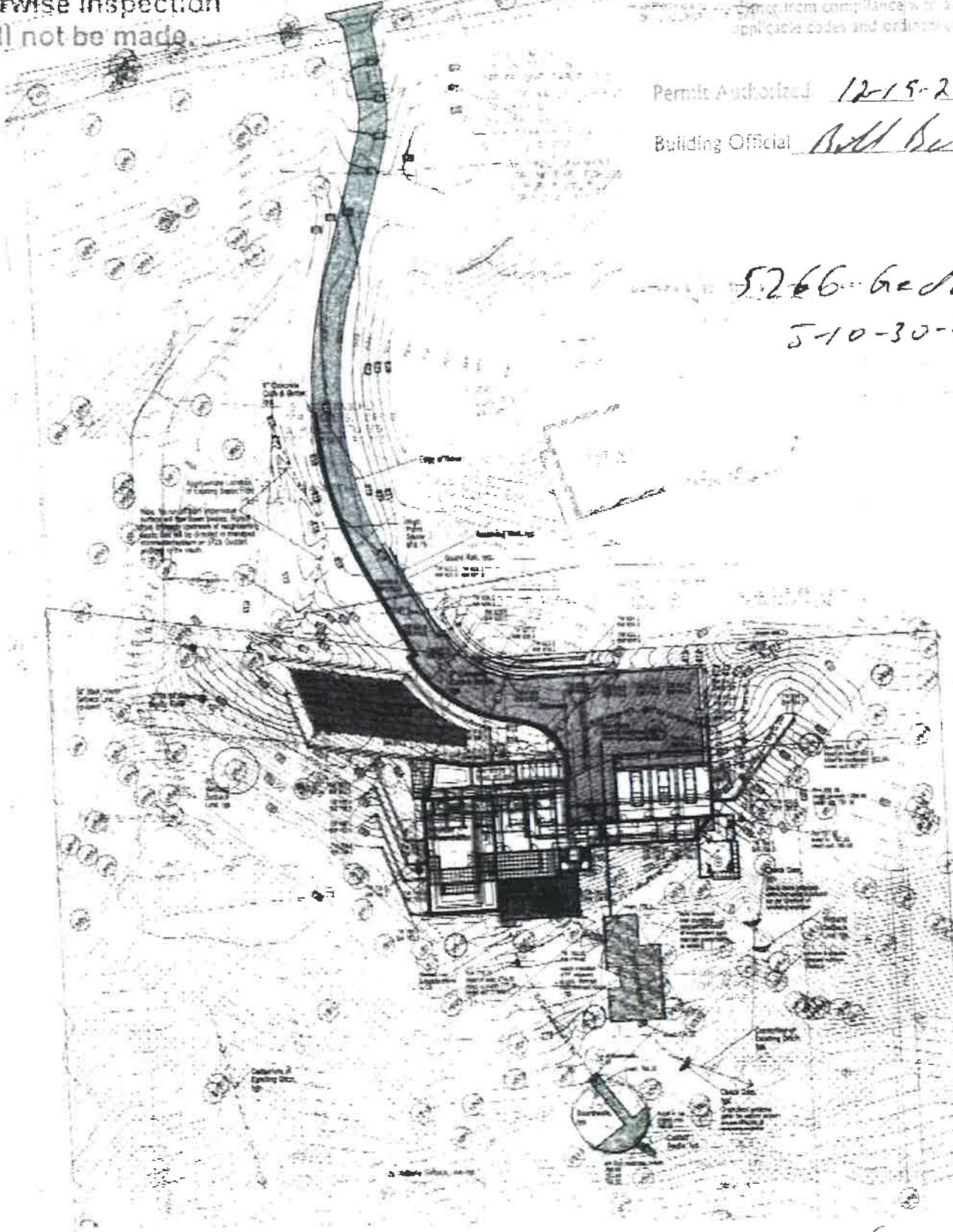
The granting of this permit does not relieve the permit holder of their responsibility for compliance with all applicable codes and ordinances.

Permit Authorized 12-15-2023

Building Official Bill Behner

57266 Geddes

5-10-30-400-053



Project:
Mauriere Residence: 5728 Geddes

Sheet:
L-2

Title:
Grading Plan

---	Proposed Grading
---	Existing Grading
---	Proposed Foundation
---	Existing Foundation
---	Proposed Driveway
---	Existing Driveway
---	Proposed Walkway
---	Existing Walkway
---	Proposed Retention Wall
---	Existing Retention Wall
---	Proposed Erosion Control
---	Existing Erosion Control



INSITE
In-Site Design Studio, Inc.

SUPERIOR CHARTER TOWNSHIP
3040 NORTH PROSPECT, YPSILANTI, MI 48198
TELEPHONE (734) 482-6099 FAX (734) 482-3842

Certificate of Zoning Compliance

This application must be accompanied by a site plan which is drawn to scale and contains the following information: 1) scale, date and north point. 2) location, shape and dimensions of the lot. 3) dimensioned location, outline and dimensions of all existing and proposed structures, and location and extent of uses not involving structures.

Address of Property: 5766 Geddes Rd Ann Arbor MI 48105

Applicant Name: Daniel Snyder Snyder Contracting LLC

Address: 8650 Huron River Dr

City, State, Zip Code: Dexter MI 48130

Phone Number: 7345454840 Email Address: Dan@snydercontractingllc.com

Provide a complete description of existing and intended uses of the property and structures, existing and proposed:

Completion of retaining wall, driveway and possible fence or handrail and top of retaining wall

The undersigned certifies that he/she is the owner or agent of the owner authorized to submit this application.


Applicant Signature

11/18/23
Date

.....

Township Use Only

Parcel Number: 5-10-30-400-055

Site Plan Number: N/A

Parcel Zoning District: R-1

Zoning Administrator: Jane Bennett

Zoning Compliance Approved

Zoning Compliance Denied

Reason for Denial: _____

CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN

June 10, 2021

Snyder Contracting LLC
8650 Huron River Dr.
Dexter, MI 48130

Re: 5728 Geddes Road

Mr. Snyder,

During a site visit, it was noted that driveway excavation work created an 8' to 10' drop off in some areas directly adjacent to the property to the north. Per our phone call, this letter is your notification that Section 6.01 B5 of the Zoning Ordinance requires protection (guards) that comply with the State Construction Code to be installed at the locations where the grade drop off exceeds 30". This work should begin immediately.

Please contact me to inspect once the guards are in place.



Richard Mayernik, CBO
Building/Zoning Official
734-482-6099

Electronic CC: K. Schwartz
F. Lucas

MEMO

TO: Superior Township Zoning Board of Appeals
FROM: Laura Bennett, Planning & Zoning Administrator
DATE: March 15, 2024
RE: ZBA 24-02 Schuster Appeal

On December 19, 2023, I approved a Certificate of Zoning Compliance for the completion of retaining walls located on Mr. Schuster's property, located at 5766 Geddes Road. This Certificate of Zoning Compliance for the remaining retaining walls was accompanied by a Building Permit authorized by Judge Connors on December 18, 2023.

Prior to that, On January 12, 2022, the Zoning Board of Appeals held a public hearing to hear a request from Mr. Schuster on seven separate Zoning Ordinance interpretations as well as an appeal of the former Superior Township Zoning Administrator, Rick Mayernik (letter dated December 21, 2021, appended to this memo).

In his most recent ZBA submittal, Mr. Schuster brings up items that were already decided on by the Zoning Board of Appeals at their meeting on March 30, 2022. At their meeting on March 30, 2022, the Zoning Board of Appeals voted to uphold Mr. Mayernik's interpretations and decisions stated in his memo dated December 21, 2021.

For a more detailed history on these rulings please see the following ZBA Minutes:

- [September 29, 2021](#)
- [January 12, 2022](#)
- [March 30, 2022](#)
- [October 19, 2022](#)
- [November 3, 2022](#)

Following this memo and letter from Rick Mayernik, dated December 21, 2021, the ZBA application begins Mr. Schuster's application, in its entirety.

MEMO

DATE: December 21, 2021

TO: Charter Township of Superior Zoning Board of Appeals

FROM: Richard Mayernik, Building/Zoning Official



RE: Matthew Schuster ZBA Interpretation Request

The applicant (Mr. Schuster) has requested the Zoning Board of Appeal to provide interpretations of the Zoning Ordinance for seven (7) questions. The following pages include my comments related to each question.

Request for zoning ordinance interpretation #1 Guard Rails, Guards, Railings (indications in article 6.01B5 and 6.01B6, etc)

Requested interpretation that fences, guards, guard rails, or other named protective structures required under the state building code or BOCA around construction sites, atop grade differentials, or retaining walls must comply with the Superior Township Zoning Ordinance including provisions governing structures and certificates of zoning compliance

Response:

On the attached pages, is the definition of a “guard” from page 18 of the 2015 Michigan Residential Code (MRC) and the definition of “fence” found on page 17-22 of the Zoning Ordinance. The term “guard” is not defined within the Zoning Ordinance and likewise, the term “fence” is not defined within the MRC.

The differences between the definitions is clear; guards are for safety and to “minimize the possibility of a fall” whereas fences serve as a physical barrier to ingress/egress or as a screen or enclosure.

Unlike guards, fences are not mandatory at certain locations (see page 70 MRC) and fences do not have specific structural loading as do guards (see page 53 MRC). For the Zoning Ordinance to prohibit or otherwise regulate guards required by the MRC is contrary to the intent of the Zoning Ordinance and violates the Stille-Derossett-Hale Single State Construction Code Act 230 of 1972.

For the above listed reasons, I ask that the ZBA find that guards required by the MRC are not fences and are not regulated by the Zoning Ordinance.

DEFINITIONS

FURNACE. A vented heating *appliance* designed or arranged to discharge heated air into a *conditioned space* or through a duct or ducts.

[RB] GLAZING AREA. The interior surface area of all glazed fenestration, including the area of sash, curbing or other framing elements, that enclose *conditioned space*. Includes the area of glazed fenestration assemblies in walls bounding conditioned *basements*.

[RB] GRADE. The finished ground level adjoining the building at all *exterior walls*.

[RB] GRADE FLOOR OPENING. A window or other opening located such that the sill height of the opening is not more than 44 inches (1118 mm) above or below the finished ground level adjacent to the opening.

GRADE, PIPING. See "Slope."

[RB] GRADE PLANE. A reference plane representing the average of the finished ground level adjoining the building at all *exterior walls*. Where the finished ground level slopes away from the *exterior walls*, the reference plane shall be established by the lowest points within the area between the building and the *lot line* or, where the *lot line* is more than 6 feet (1829 mm) from the building between the structure and a point 6 feet (1829 mm) from the building.

GRAY WATER. Waste discharged from lavatories, bathtubs, showers, clothes washers and laundry trays.

GRIDDED WATER DISTRIBUTION SYSTEM. A water distribution system where every water distribution pipe is interconnected so as to provide two or more paths to each fixture supply pipe.

[RB] GROSS AREA OF EXTERIOR WALLS. The normal projection of all *exterior walls*, including the area of all windows and doors installed therein.

GROUND-SOURCE HEAT PUMP LOOP SYSTEM. Piping buried in horizontal or vertical excavations or placed in a body of water for the purpose of transporting heat transfer liquid to and from a heat pump. Included in this definition are closed loop systems in which the liquid is recirculated and open loop systems in which the liquid is drawn from a well or other source.

[RB] GUARD. A building component or a system of building components located near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to the lower level.

[RB] GUESTROOM. Any room or rooms used or intended to be used by one or more guests for living or sleeping purposes.

[RB] GYPSUM BOARD. The generic name for a family of sheet products consisting of a noncombustible core primarily of gypsum with paper surfacing. Gypsum wallboard, gypsum sheathing, gypsum base for gypsum *vener* plaster, exterior gypsum soffit board, predecorated gypsum board and water-resistant gypsum backing board complying with the standards listed in Section R702.3 and Part IX of this code are types of gypsum board.

[RB] GYPSUM PANEL PRODUCT. The general name for a family of sheet products consisting essentially of gypsum.

[RB] HABITABLE SPACE. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered *habitable spaces*.

[RB] HANDRAIL. A horizontal or sloping rail intended for grasping by the hand for guidance or support.

HANGERS. See "Supports."

HAZARDOUS LOCATION. Any location considered to be a fire hazard for flammable vapors, dust, combustible fibers or other highly combustible substances.

HEAT PUMP. An *appliance* having heating or heating and cooling capability and that uses refrigerants to extract heat from air, liquid or other sources.

[RE] HEATING DEGREE DAYS (HDD). The sum, on an annual basis, of the difference between 65°F (18°C) and the mean temperature for each day as determined from "NOAA Annual Degree Days to Selected Bases Derived from the 1960-1990 Normals" or other weather data sources acceptable to the code official.

[RB] HEIGHT, BUILDING. The vertical distance from *grade plane* to the average height of the highest roof surface.

[RB] HEIGHT, STORY. The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost *story*, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

[RE] HIGH-EFFICACY LAMPS. See Section N1101.6 for definition applicable in Chapter 11.

HIGH-TEMPERATURE (H.T.) CHIMNEY. A high temperature chimney complying with the requirements of UL 103. A Type H.T. chimney is identifiable by the markings "Type H.T." on each chimney pipe section.

[RB] HILL. With respect to topographic wind effects, a land surface characterized by strong relief in any horizontal direction.

[RB] HISTORIC BUILDING. Buildings that are listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate state or local law.

HORIZONTAL BRANCH, DRAINAGE. A drain pipe extending laterally from a soil or waste stack or *building drain*, that receives the discharge from one or more *fixture drains*.

HORIZONTAL PIPE. Any pipe or fitting that makes an angle of less than 45 degrees (0.79 rad) with the horizontal.

HOT WATER. Water at a temperature greater than or equal to 110°F (43°C).

[RB] HURRICANE-PRONE REGIONS. Areas vulnerable to hurricanes, defined as the U.S. Atlantic Ocean and Gulf of Mexico coasts where the ultimate design wind speed, V_{ult} , is greater than 115 miles per hour (51 m/s), and Hawaii, Puerto Rico, Guam, Virgin Islands and America Samoa.

HYDROGEN-GENERATING APPLIANCE. A self-contained package or factory-matched packages of integrated

including barns, silo, granary, milkhouse, and similar structures, but not including any building used as a dwelling.

- c. **Farm Labor Housing.** Temporary facilities provided for the housing of workers who are employed in the seasonal planting, harvesting, or processing of crops. This term is synonymous with "migratory labor camp."
 - d. **Feed Lot.** Includes any of the following facilities:
 - (1) any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail; and
 - (2) any structure, pen, or corral wherein cattle, horses, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.
 - e. **Livestock or Farm Animals.** Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, which are capable of being trained and adapting to living in a human environment.
78. **Fence.** Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use.
- a. **Chain-link fence.** A fence constructed of galvanized steel or similar materials as approved by the Building Inspector for the purpose of enclosing or securing an area.
 - b. **Ornamental fence.** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation, and which does not block vision to an extent greater than fifty percent (50%). Ornamental fences shall not include chain-link or wire fences or fences of similar construction.
 - c. **Privacy fence.** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than fifty percent (50%) for the purpose of obscuring or screening an area from public view.
 - d. **Rail fence.** A fence constructed of wood, vinyl or similar materials and consisting of one (1) to four (4) horizontal rails connecting to vertical posts spaced a minimum of six (6) feet apart, and which does not block vision to an extent greater than fifty percent (50%).
 - e. **Temporary fence.** A fence constructed of canvas, plastic, chain-link, wood or similar material for the purpose of enclosing or securing an area for a limited period of time; for securing a construction site against unauthorized access; or for public safety at a special event [amended 4/1/2011, Ord. 174-05].

R311.7.12 Ships ladders. Ships ladders shall not be used as an element of a means of egress. Ships ladders shall be permitted provided that a required means of egress stairway or ramp serves the same space at each adjoining level or where a means of egress is not required. The clear width at and below the handrails shall be not less than 20 inches.

R311.7.12.1 Treads of ships ladders. Treads shall have a depth of not less than 5 inches (127 mm). The tread shall be projected such that the total of the tread depth plus the nosing projection is not less than 8½ inches (216 mm). The riser height shall be not more than 9½ inches (241 mm).

R311.7.12.2 Handrails of ships ladders. Handrails shall be provided on both sides of ships ladders and shall comply with Sections R311.7.8.2 to R311.7.8.4. Handrail height shall be uniform, not less than 30 inches (762 mm) and not more than 34 inches (864 mm).

R311.8 Ramps.

R311.8.1 Maximum slope. Ramps serving the egress door required by Section R311.2 shall have a slope of not more than 1 unit vertical in 12 units horizontal (8.3-percent slope). All other ramps shall have a maximum slope of 1 unit vertical in 8 units horizontal (12.5 percent).

Exception: Where it is technically infeasible to comply because of site constraints, ramps shall have a slope of not more than 1 unit vertical in 8 units horizontal (12.5 percent).

R311.8.2 Landings required. There shall be a floor or landing at the top and bottom of each ramp, where doors open onto ramps, and where ramps change directions. The width of the landing perpendicular to the ramp slope shall be not less than 36 inches (914 mm).

R311.8.3 Handrails required. Handrails shall be provided on not less than one side of ramps exceeding a slope of one unit vertical in 12 units horizontal (8.33-percent slope).

R311.8.3.1 Height. Handrail height, measured above the finished surface of the ramp slope, shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm).

R311.8.3.2 Grip size. Handrails on ramps shall comply with Section R311.7.8.3.

R311.8.3.3 Continuity. Handrails where required on ramps shall be continuous for the full length of the ramp. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1½ inches (38 mm) between the wall and the handrails.

SECTION R312 GUARDS AND WINDOW FALL PROTECTION

R312.1 Guards. *Guards* shall be provided in accordance with Sections R312.1.1 through R312.1.4.

R312.1.1 Where required. *Guards* shall be located along open-sided walking surfaces, including stairs, ramps and

landings, that are located more than 30 inches (762 mm) measured vertically to the floor or *grade* below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a *guard*.

R312.1.2 Height. Required *guards* at open-sided walking surfaces, including stairs, porches, balconies or landings, shall be not less than 36 inches (914 mm) in height as measured vertically above the adjacent walking surface or the line connecting the leading edges of the treads.

Exceptions:

1. *Guards* on the open sides of stairs shall have a height not less than 34 inches (864 mm) measured vertically from a line connecting the leading edges of the treads.
2. Where the top of the *guard* serves as a handrail on the open sides of stairs, the top of the *guard* shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm) as measured vertically from a line connecting the leading edges of the treads.

R312.1.3 Opening limitations. Required *guards* shall not have openings from the walking surface to the required *guard* height that allow passage of a sphere 4 inches (102 mm) in diameter.

Exceptions:

1. The triangular openings at the open side of stair, formed by the riser, tread and bottom rail of a *guard*, shall not allow passage of a sphere 6 inches (153 mm) in diameter.
2. *Guards* on the open side of stairs shall not have openings that allow passage of a sphere 4¾ inches (111 mm) in diameter.

R312.1.4 Exterior plastic composite guards. Plastic composite exterior *guards* shall comply with the requirements of Section R317.4.

R312.2 Window fall protection. Window fall protection shall be provided in accordance with Sections R312.2.1 and R312.2.2.

R312.2.1 Window sills. In dwelling units, where the top of the sill of an operable window opening is located less than 24 inches (610 mm) above the finished floor and greater than 72 inches (1829 mm) above the finished *grade* or other surface below on the exterior of the building, the operable window shall comply with one of the following:

1. Operable windows with openings that will not allow a 4-inch-diameter (102 mm) sphere to pass through the opening where the opening is in its largest opened position.
2. Operable windows that are provided with window fall prevention devices that comply with ASTM F2090.
3. Operable windows that are provided with window opening control devices that comply with Section R312.2.2.

R312.2.2 Window opening control devices. Window opening control devices shall comply with ASTM F2090.

dance with Section R322. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area. Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24.

R301.2.4.1 Alternative provisions. As an alternative to the requirements in Section R322, ASCE 24 is permitted subject to the limitations of this code and the limitations therein.

R301.3 Story height. The wind and seismic provisions of this code shall apply to buildings with *story heights* not exceeding the following:

1. For wood wall framing, the *story height* shall not exceed 11 feet 7 inches (3531 mm) and the laterally unsupported bearing wall stud height permitted by Table R602.3(5).
2. For cold-formed steel wall framing, the *story height* shall be not more than 11 feet 7 inches (3531 mm) and the unsupported bearing wall stud height shall be not more than 10 feet (3048 mm).
3. For masonry walls, the *story height* shall be not more than 13 feet 7 inches (4140 mm) and the bearing wall clear height shall be not greater than 12 feet (3658 mm).
Exception: An additional 8 feet (2438 mm) of bearing wall clear height is permitted for gable end walls.
4. For insulating concrete form walls, the maximum *story height* shall not exceed 11 feet 7 inches (3531 mm) and the maximum unsupported wall height per *story* as permitted by Section R608 tables shall not exceed 10 feet (3048 mm).
5. For structural insulated panel (SIP) walls, the *story height* shall be not greater than 11 feet 7 inches (3531 mm) and the bearing wall height per *story* as permitted by Section R610 tables shall not exceed 10 feet (3048 mm).

Individual walls or wall studs shall be permitted to exceed these limits as permitted by Chapter 6 provisions, provided that *story heights* are not exceeded. An engineered design shall be provided for the wall or wall framing members where the limits of Chapter 6 are exceeded. Where the *story height* limits of this section are exceeded, the design of the building, or the noncompliant portions thereof, to resist wind and seismic loads shall be in accordance with the *International Building Code*.

R301.4 Dead load. The actual weights of materials and construction shall be used for determining dead load with consideration for the dead load of fixed service *equipment*.

R301.5 Live load. The minimum uniformly distributed live load shall be as provided in Table R301.5.

TABLE R301.5
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS
(in pounds per square foot)

USE	LIVE LOAD
Uninhabitable attics without storage ^b	10
Uninhabitable attics with limited storage ^{b, g}	20
Habitable attics and attics served with fixed stairs	30
Balconies (exterior) and decks ^e	40
Fire escapes	40
Guards and handrails ^d	200 ^h
Guard in-fill components ^f	50 ^h
Passenger vehicle garages ^a	50 ^a
Rooms other than sleeping rooms	40
Sleeping rooms	30
Stairs	40 ^c

For SI: 1 pound per square foot = 0.0479 kPa, 1 square inch = 645 mm²,
1 pound = 4.45 N.

- a. Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.
- b. Uninhabitable *attics* without storage are those where the clear height between joists and rafters is not more than 42 inches, or where there are not two or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches in height by 24 inches in width, or greater, within the plane of the trusses. This live load need not be assumed to act concurrently with any other live load requirements.
- c. Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.
- d. A single concentrated load applied in any direction at any point along the top.
- e. See Section R507.1 for decks attached to *exterior walls*.
- f. *Guard* in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.
- g. Uninhabitable *attics* with limited storage are those where the clear height between joists and rafters is not greater than 42 inches, or where there are two or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches in height by 24 inches in width, or greater, within the plane of the trusses.
The live load need only be applied to those portions of the joists or truss bottom chords where all of the following conditions are met:
 1. The *attic* area is accessible from an opening not less than 20 inches in width by 30 inches in length that is located where the clear height in the *attic* is not less than 30 inches.
 2. The slopes of the joists or truss bottom chords are not greater than 2 inches vertical to 12 units horizontal.
 3. Required insulation depth is less than the joist or truss bottom chord member depth.
 The remaining portions of the joists or truss bottom chords shall be designed for a uniformly distributed concurrent live load of not less than 10 pounds per square foot.
- h. Glazing used in handrail assemblies and *guards* shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.

Request for interpretation #2 Retaining wall definition (article 17, article 3, article 6, etc).
Retaining wall is not defined in the ordinance

Request that the ZBA interpret a retaining wall as a wall and structure under the zoning ordinance (subject to ordinance restrictions such as article 3 and certificates of zoning compliance) consistent with the Superior Township engineering standards and/or 2015 State of MI Building Code:

Any wall separating a differential grade of more than 12" shall be considered a retaining wall and a structure.

Response:

Section 17.02.226 defines a wall as “screening structure of definite height and location constructed of a masonry, concrete, rock or similar material”. Section 17.02.207 defines a structure as “anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas and patios”.

The applicant is correct that “retaining wall” is not a defined term within the Zoning Ordinance. While I agree that a retaining wall meets the definition of a “wall” and is a constructed on the ground, a retaining wall is more akin to a paving on a road in that both serve a similar purpose and therefore should be excluded from the definition of a structure. To interpret retaining walls as requested by the applicant would severely limit their locations. I contend that this is not the intent of the Zoning Ordinance.

The ZBA should adopt MRC definition of “wall, retaining” to mean to walls separating differential grades. I further ask that the ZBA interpret that retaining walls are “Permitted Yard Encroachments” per Section 3.203(G)(1) unless such retaining walls exceed 4 feet in height measured from the ground level at the higher side of the wall and that retaining walls located within the right-of-way easement for public or private roads that are necessary for the construction of such roads, be exempt from setback requirements.

Finally, since the definition of “Accessory Use, Building or Structure” limits a structure to be located “on the same zoning lot as the principal use”, if the ZBA adopts my recommendation that a retaining wall not be treated as a “structure” this restriction would not be applicable. If a retaining wall is located within right-of-way easements and is necessary for the construction of the road/drive it should not be treated as a structure and therefore be exempt from being located entirely on the same zoning lot as the principal use.

225. **Viewshed.** The total physiographic area, composed of land, water, biotic, and other environmental and cultural elements, visible from one (1) or more fixed vantage points (such as a series of views along a roadway, or the view from the perspective of one riverfront dwelling).
- 225a. **Volatile Farm-Based Biofuel Production Facility.** An accessory use, clearly incidental and subordinate to an active farm operation lawfully operating on the same zoning lot, in which biofuel (as defined in this Section) is derived from recently living organisms or their metabolic by-products. This term shall include all equipment, storage tanks, and other improvements needed to produce, store, and transport the biofuel in a manner that meets all federal, state, and Township standards and limitations [amended 12/16/2013, Ord. 174-14].
226. **Wall.** A screening structure of definite height and location constructed of a masonry, concrete, rock or similar material.
227. **Warehouse.** A building used for short- and/or long-term storage in connection with production and marketing or in connection with manufacturing, freight handling, wholesaling, and retailing. See also "**Distribution Center**" and "**Truck Terminal**."
228. **Watercourse.** Any waterway including a river, stream, lake, pond or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.
229. **Water Supply System.** Facilities for collection, transportation, processing, or distribution of sanitary drinking water serving or intended to serve more than one principal dwelling unit, principal use, or principal building; including all potable water sources, treatment and purification facilities, pumps, lines, and appurtenances.
- a. **Publicly-Owned and Operated Water System.** A water supply system owned and operated by one or more governmental entities.
- b. **Community Well.** A water supply system serving more than one (1) dwelling that is owned by a non-governmental entity.
230. **Wetland.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one (1) or more of the following attributes:
- a. At least periodically, the land supports predominantly hydrophytes.
- b. The substrate is predominantly un-drained hydric soil.
- c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.
231. **Wetland Ordinance.** Ordinance No. 135, duly adopted by the Superior Charter Township Board, entitled "Wetland and Watercourse Protection and Restoration."
232. **Wetland, Regulated.** Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ) or the Township's Wetland Ordinance.

of Michigan under the Adult Foster Care Facility Licensing Act (P.A. 218 of 1979, as amended) or Child Care Organizations Act (P.A. 116 of 1973, as amended).

203. **Steep Slopes.** A rise of 25 feet or more over a distance of 100 feet, or any existing slope of twenty five percent (25%) or greater.
204. **Story.** That part of a building, except a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it (see "**Basic Structural Terms**" illustration).
- a. A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.
 - b. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is half than the vertical distance from the average grade to the ceiling.
205. **Story, Half.** An uppermost story lying under a sloping roof having an area of at least 200 square feet in area with a clear ceiling height of seven (7) feet six (6) inches. For the purposes of this ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.
206. **Street.** See "**Road.**"
207. **Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas and patios.
- a. **Temporary Structure.** A structure permitted to exist during periods of construction, special events, and other limited time periods.
208. **Subdivision Plat.** The division of a tract of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Land Division Act (P.A. 288 of 1967, as amended), and the Superior Charter Township Subdivision Control Ordinance, as amended.
209. **Swimming Pool.** Any structure or container located above or below grade designed to hold water to a depth of greater than two (2) feet and intended for swimming or bathing. A swimming pool is an accessory structure for purposes of this Ordinance.
210. **Tavern.** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and other amusement devices.

DEFINITIONS

VACUUM BREAKER. A device that prevents back-siphonage of water by admitting atmospheric pressure through ports to the discharge side of the device.

[RB] VAPOR PERMEABLE. The property of having a moisture vapor permeance rating of 5 perms (2.9×10^{-10} kg/Pa · s · m²) or greater, where tested in accordance with the desiccant method using Procedure A of ASTM E96. A vapor permeable material permits the passage of moisture vapor.

[RB] VAPOR RETARDER CLASS. A measure of the ability of a material or assembly to limit the amount of moisture that passes through that material or assembly. Vapor retarder class shall be defined using the desiccant method with Procedure A of ASTM E96 as follows:

Class I: 0.1 perm or less

Class II: $0.1 < \text{perm} \leq 1.0$ perm

Class III: $1.0 < \text{perm} \leq 10$ perm

VENT. A passageway for conveying flue gases from fuel-fired *appliances*, or their vent connectors, to the outside atmosphere.

VENT COLLAR. See "Flue collar."

VENT CONNECTOR. That portion of a venting system that connects the flue collar or draft hood of an *appliance* to a vent.

VENT DAMPER DEVICE, AUTOMATIC. A device intended for installation in the venting system, in the outlet of an individual, automatically operated fuel burning *appliance* and that is designed to open the venting system automatically where the *appliance* is in operation and to close off the venting system automatically where the *appliance* is in a standby or shutdown condition.

VENT GASES. Products of combustion from fuel-burning *appliances*, plus excess air and dilution air, in the venting system above the draft hood or draft regulator.

VENT STACK. A vertical vent pipe installed to provide circulation of air to and from the drainage system and that extends through one or more stories.

VENT SYSTEM. Piping installed to equalize pneumatic pressure in a drainage system to prevent trap seal loss or blow-back due to siphonage or back pressure.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

For definition applicable in Chapter 11, see Section N1101.6.

VENTING. Removal of combustion products to the outdoors.

VENTING SYSTEM. A continuous open passageway from the flue collar of an *appliance* to the outside atmosphere for the purpose of removing flue or vent gases. A venting system is usually composed of a vent or a chimney and vent connector, if used, assembled to form the open passageway.

VERTICAL PIPE. Any pipe or fitting that makes an angle of 45 degrees (0.79 rad) or more with the horizontal.

[RB] VINYL SIDING. A shaped material, made principally from rigid polyvinyl chloride (PVC), that is used to cover exterior walls of buildings.

[RB] WALL, RETAINING. A wall not laterally supported at the top, that resists lateral soil load and other imposed loads.

[RB] WALLS. Walls shall be defined as follows:

Load-bearing wall. A wall supporting any vertical load in addition to its own weight.

Nonbearing wall. A wall which does not support vertical loads other than its own weight.

WASTE. Liquid-borne waste that is free of fecal matter.

WASTE PIPE OR STACK. Piping that conveys only liquid sewage not containing fecal material.

WASTE RECEPTOR. A floor sink, standpipe, hub drain or a floor drain that receives the discharge of one or more indirect waste pipes.

WATER DISTRIBUTION SYSTEM. Piping that conveys water from the service to the plumbing fixtures, *appliances*, appurtenances, *equipment*, devices or other systems served, including fittings and control valves.

WATER HEATER. Any heating *appliance* or *equipment* that heats potable water and supplies such water to the potable hot water distribution system.

WATER MAIN. A water supply pipe for public use.

WATER OUTLET. A valved discharge opening, including a hose bibb, through which water is removed from the potable water system supplying water to a plumbing fixture or plumbing *appliance* that requires either an *air gap* or back-flow prevention device for protection of the supply system.

[RB] WATER-RESISTIVE BARRIER. A material behind an *exterior wall* covering that is intended to resist liquid water that has penetrated behind the exterior covering from further intruding into the *exterior wall* assembly.

WATER SERVICE PIPE. The outside pipe from the water main or other source of potable water supply to the water distribution system inside the building, terminating at the service valve.

WATER SUPPLY SYSTEM. The water service pipe, the water-distributing pipes and the necessary connecting pipes, fittings, control valves and appurtenances in or adjacent to the building or premises.

WET VENT. A vent that receives the discharge of wastes from other fixtures.

WHOLE-HOUSE MECHANICAL VENTILATION SYSTEM. An exhaust system, supply system, or combination thereof that is designed to mechanically exchange indoor air for outdoor air where operating continuously or through a programmed intermittent schedule to satisfy the whole-house ventilation rate.

For definition applicable in Chapter 11, see Section N1101.6.

Request for interpretation #3. Retaining wall height (article 17, article 3, article 6)

Retaining wall height calculation is not directly specified in the ordinance, although it is found in the State Building Code and Superior Township Engineering Standards Manual

Given request #2 above, we recommend that retaining wall height be interpreted consistent with any wall height under the ordinance, from the bottom of the wall to the top of the wall. In no event should the height of the retaining wall be measured as less than the differential between the lower and upper grade, nor the differential between the upper grade of any retaining wall within 2 feet of another retaining wall and the lower walls lowest grade, which should be correctly measured as a single unit if engineered together due to grade differential.

-Note - there are conditional provisions for fence height determinations of retaining walls in the zoning ordinance article 6 which may result in determining the most restrictive height calculation (consistent with ordinance 1.04.1), not a replacement calculation of lesser value, which should be specified by the ZBA.

Response:

As noted above, the Zoning Ordinance does not define “retaining walls” and further, only discusses retaining wall height measurements in those situations where retaining walls treated as fences. (Section 6.01(B)(6) and 6.01(C) attached). Without correlating retaining wall heights to fence heights, retaining wall heights above the upper grade elevation would be unlimited. These restrictions make perfect sense viewed in that light.

The Ordinance is intentionally silent on defining or limiting the overall height of retaining walls from the lower to the upper grade. The project engineer will design the wall based on the needs of the development at hand. An example would be the retaining wall constructed at the western side of the Woodlands at Geddes Glen development. That retaining wall height is approximately 15 feet from lower to higher elevations directly adjacent to the U of M Golf Course property. Defining retaining wall height in the manner the applicant proposes would prohibit any retaining walls that exceed 4 foot in height (lower to upper elevation) from being located within any required yard setback. See Section 3.203(G)(1) (copy attached).

I ask that the ZBA affirm that retaining wall heights from lower to higher elevations are unregulated by the Zoning Ordinance and further that retaining wall heights above the higher grade are regulated as fences and are measured exactly as prescribed in Sections 6.01B6 and 6.01C.

following completion of construction activity on the site. The Zoning Inspector may order the removal of temporary construction fences by a date certain where such fences have remained in place for a period exceeding 545 calendar days.

6. **Retaining walls.** Retaining walls shall be considered fences subject to the provisions of this Section if the wall extends more than 30 inches above the adjacent ground level. Fences shall be required on top of retaining walls when required by the State Construction Code.

C. Height Measurements.

The height of a fence shall be measured from the ground level at the lowest grade within four (4) feet of any side of a fence post, except that the height of a retaining wall, or a fence located on top of a retaining wall, shall be measured from the ground level at the higher side of the wall (see illustration).

D. Maintenance.

Fences shall be maintained so as not to endanger life or property. Any fence that endangers life or property through lack of repair, type, or construction, or otherwise is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the Zoning Inspector shall serve written notice to the owner, agent, or person in control of the property upon which such fence is located.

1. The notice shall describe the unsafe condition(s), shall specify the repairs or modifications required to make the fence safe, and shall require an unsafe fence or portions thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal.
2. Failure to make repairs or modifications or to remove the fence within the time limit specified in the notice shall constitute a violation of this Ordinance and shall be punishable in accordance with the provisions of Section 1.13 (Violations and Penalties).

E. Approval Required.

It shall be unlawful for any person to construct or cause to be constructed a fence in the Township without having first obtained all necessary permits or approvals in accordance with this Section and Ordinance.

Section 6.02 Swimming Pools.

Outdoor swimming pools, spas, and hot tubs erected or maintained in the Township with a diameter exceeding twelve (12) feet, a depth exceeding two (2) feet or an area exceeding 100 square feet permanently or temporarily placed in, on or above the ground shall be permitted as an accessory structure in all zoning districts shall comply with the following requirements:

1. The pool or its fence shall not be located within any required front yard, or within any yard area between a road right-of-way and front building line of a dwelling.

Request for interpretation #4. Approved Road (article 3)

The 2008 zoning ordinance in section 3.207 states:

Section 3.207 Access to Streets.

No dwelling shall be built on any lot that does not abut and have direct frontage on an APPROVED ROAD. Access to streets shall be subject to the following....

No definition of “approved road” is given.

We request that the ordinance provision be interpreted as a road having record of approval in Superior Township for its width, grade, construction, and maintenance details.

Response:

I would ask that the ZBA interpret an “approved road” to mean the following:

- For public and private roads within developments subject to Planning Commission review, “approved roads” shall mean roadways approved through the planning process and further approved by the Township Engineer and Washtenaw County Road Commission or MDOT as applicable.
- For new private roads not subject to Planning Commission review, “approved roads” shall mean roadways which have obtained a Private Road Permit per Ordinance #163 (Private Road Ordinance). Further, that per Ordinance #163, prior to the issuance of any building permit for any dwellings, the approved road must be constructed, and that construction shall be approved by the Building Official and, at the Building Officials discretion, the Township Engineer or Fire Chief.
- For existing lots, rights-of-way, easements and drives created prior to the 2004 enactment of Ordinance #163, “approved road” shall mean an easement, right-of-way or drive created in accordance with the provisions of the Zoning Ordinance in effect at the time of creation or division of property. Examples of the 1997 and the 1978 Zoning Ordinance provisions are attached. Approval would generally be evidenced by the Zoning Officials review and approval of the plot plans showing the lots and easement width. The roadway would not need to have been constructed to be considered “approved”. Prior to the issuance of a Certificate of Occupancy for a home, the roadway shall be constructed, and that construction shall be approved by the Building Official and/or the Fire Chief.

GENERAL PROVISIONS

SECTION 3.03 ACCESS TO STREETS

A. Access to Public or Private Streets

In any district, every lot created and every principal use or structure which is established after the effective date of adoption or amendment of this Ordinance shall be on a lot or parcel which abuts a public or private street by the entire width of the lot. Such street shall have a right-of-way at least sixty-six (66) feet wide unless a lesser width has been established and recorded prior to the effective date of this Ordinance.

B. Access for Emergency Services and Parking and Loading Areas

Every building and structure located or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on lots as to provide safe and convenient access for emergency purposes and fire protection vehicles, and for required off-street parking and loading areas.

C. Access to Uses Not Permitted in Residential Districts

1. No land in a Residential District shall be used for vehicular or pedestrian access to land or structures in other districts used for any purpose not permitted in the Residential District except as provided in Paragraph 2 below or otherwise authorized by this Ordinance.
2. Where provision does not exist for safe access for emergency and public service vehicles and such access is not reasonably feasible except through privately-owned residentially zoned land, access reserved for and limited to such vehicles may be authorized by the Planning Commission, subject to such conditions and safeguards as the Planning Commission deems necessary to protect the tranquility and character of the residential lands so traversed.

SECTION 3.04 COMPLETION OF CONSTRUCTION

A. Where Actual Construction Was Lawfully Begun

Nothing in this Ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance.

1997 - ZONING ORD. # 134

SECTION 3.12 ACCESS TO STREETS

- A. In any district, every lot created and every principal use or principal structure which is established after the effective date of adoption or amendment of this ordinance shall be on a lot or parcel which abuts a public or private street by the entire width of the lot. Such street shall have a right-of-way at least sixty-six (66) feet wide unless a lesser width has been established and recorded prior to the effective date of this ordinance. Or such lot, use or structure shall abut, by the entire width of the lot a private street with an easement at least sixty-six (66) feet wide and width conforms to the Superior Township Private Street Ordinance. The private street easement shall not be included in the required minimum area of the lot.
- B. Every building and structure constructed or relocated after the effective date of adoption or amendment of this ordinance shall be so located on lots as to provide safe and convenient access for fire protection vehicles and required off-street parking and loading areas.

SECTION 3.13 ZONING BOARD

All powers, duties and responsibilities for a zoning board as provided by Act 184 of the Public Acts of 1943, as amended are hereby transferred to the Township Planner Commission in accordance with Section 11 of Act 168 of the Public Acts of 1959, as amended.

SECTION 3.14 SEWER AND WATER FACILITIES

All dwelling units constructed or put into place on or after the effective date of adoption or amendment of this ordinance in any urban residence district (R-3 through R-8, except R-5, where on-site services are permitted) or business district (C-1 through C-3 and 0) and all buildings in a special district shall be connected to public sanitary sewer and water supply systems. On-site facilities and privately owned and operated community systems are prohibited in such districts for service of dwelling units. Single family detached dwelling units in a PC district that is located in areas designated for rural residential use is adopted general development plan shall be exempt from this section, provided each such dwelling unit is connected to a water well and septic tank/drainfield approved by the Washtenaw County Health Department.

SECTION 3.15 RAISING AND KEEPING OF ANIMALS

The raising and keeping of fowl and similar small animals where permitted as an accessory use, shall be on a lot with a minimum area of one (1) acre. The raising and keeping of horses, cows, and similar domestic animals, where permitted as an accessory use, shall be on a lot with a minimum area of four (4) acres. All animals shall be property housed and fenced so as not to be a public nuisance.

Request for interpretation #5. Accessory Structure (Article 17)

The definition of accessory structure raises questions about interpretations of structures that span 2 lots of record. It is conceivable that structures crossing lot lines may benefit only one impacted lot.

We request that accessory structure definition be interpreted to preclude structures placed on a lot other than the lot of its builder, sponsor, or dependent related primary use. We request that the exclusive use provision be determined for any structure meant to span a lot line be interpreted as unrelated to any lot that does not participate in its construction or require its presence for that lots primary use.

Response:

The Zoning ordinance defines a structure as “anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas and patios.” Section 17.02.207.

While a retaining wall is constructed or erecting on the ground, it is more akin to paving on a road or parking area, which are specifically exempted from this definition and therefore should not be treated in the same manner as a building or shed or the other structures specifically identified in as structures in the definition.

I ask that the ZBA interpret and confirm that accessory structures are to be located on the same zoning lot as the principal use except for retaining walls and other structures necessary for the construction of drives or private roads when such structures are located within the right-of-way or easement.

Request for interpretation #6. Site Plan Exemption Criteria (10.02.A.3.a)

The ordinance specifies exemption for certain projects from site plan review:

3. All RESIDENTIAL USES, as specified in Article 4.0 (Land Use Table), for which site plan approval is required per Article 5.0 (Use Standards). The following RESIDENTIAL USES shall be exempt from site plan approval:

a. One (1) single-family detached dwelling and customary accessory structures on an existing residential lot of record.

We request that 10.02.A.3.a be interpreted to require that exclusion only applies to a residential development if it involves structures and uses exclusively contained on a single lot of record, not related uses or structures spanning multiple lots of record or present across or upon lots under disparate ownership.

Response:

The specifics of this request relate to the private road easement that traverses the applicant's property and terminates at the adjacent property where a single-family dwelling is proposed. Interpreting the Zoning Ordinance section in the manner the applicant suggests would effectively require Planning Commission approval of every residential lot created by metes and bounds divisions where property lines are centered in the road right-of-way. Also, presumably every lot located on a public road where the property lines are centered in the road would also be subject to Planning Commission site plan review.

Consistent with the past practices of the Township, single lots of record accessed by public or private roads, easements or drives should continue to be exempt from Planning Commission review.

Request for interpretation #7. Definition of Mass Grading (Article 17) within construction definition 42

The definition of mass grading is not given in the ordinance:

42. Construction. The mass grading and similar site work conducted upon land in preparation for a new use, establishment of necessary site improvements for a new use, and development of a new structure, relocation of a structure, or addition to an existing structure on land in the Township.

We request that mass grading be interpreted to be grade elevation changes of more than 30” or represented by earth removal or fill of more than 50 cubic yards.

Response:

“Mass grading” is a term generally accepted describe the movement or redistribution of large quantities of earth over large areas. This term is commonly applied to earthwork relating to large residential or commercial developments and would not normally be associated with grading for a single dwelling on one lot.

In February of 1999, the Township adopted Ordinance #147 (Soil Removal and Deposit) which regulated the removal and deposit of soil material by providing for licensing, procedures, fees, inspections, enforcement, etc. In February of 2008, the Board repealed Ordinance #147 by adopting Ordinance #171. Currently, filling, grading and other earthwork is regulated by the Washtenaw County Water Resources Soil Erosion Division.

Since the Township does not to regulate soil deposit and removal, there is no need to define the term “mass grading”.



State of Ohio,) ss

County of Cuyahoga)

Joe Rosa being duly sworn, deposes that he/she is principal clerk of MLive Media Group; that Ann Arbor News is a public newspaper published in the city of Ann Arbor, with general circulation in Washtenaw county, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):

Ann Arbor News 02/09/2025

Joe Rosa

Principal Clerk of the Publisher

Sworn to and subscribed before me this 10th day of February 2025

Russell Mackowski

Notary Public

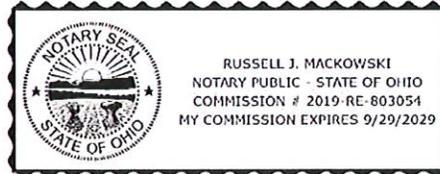
ZONING BOARD OF APPEALS
SUPERIOR CHARTER TOWNSHIP
SUPERIOR TOWNSHIP HALL
3040 N. PROSPECT
YPSILANTI, MI 48198
THURSDAY, FEBRUARY 27, 2025
7:00 p.m.
ZBA #24-02

The Superior Township Zoning Board of Appeals will hold a public hearing on Thursday, February 27, 2025, at 7:00 p.m. at the Superior Township Hall, 3040 N. Prospect.

The case (ZBA #24-02) is a continuation of an appeal of the Township Zoning Administrator's decision to grant a certificate of zoning compliance for a building permit requested by Daniel Snyder. The property is located at 5766 Geddes Road (J -10-30-400-055) and is zoned R-1 (Single-Family Residential).

A complete copy of the petition is available for inspection or copying at the Township Hall 9:00 a.m. - 4:00 p.m. weekdays. Persons wishing to express their views may do so in person at the public hearing, or in writing addressed to the Zoning Board of Appeals at the above address. Superior Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities upon four (4) business days notice to the Township. Individuals requiring auxiliary aids or services should contact Superior Charter Township by writing the Township Clerk.

Diane Mulville-Friel
3040 N. Prospect
Ypsilanti, MI 48198
734-482-6099



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX®

ZONING BOARD OF APPEALS APPLICATION

(This application must be typewritten or printed. All questions must be answered.)

Request is hereby made for one of the following:

- Variance from the requirements of the following Zoning Ordinance
Section(s): _____
- Appeal of the decision of the Township Zoning Official

APPLICANT INFORMATION

Name Matthew Schuster

Address 5766 Geddes Road, Ann Arbor, MI 48105

Phone Number 248-790-5650 Email mattaschuster@yahoo.com

Is the property owned by the applicant? YES NO

If "NO", what is the applicant's interest in the property? _____

Name, address and telephone number of owner(s): _____

DESCRIPTION OF THE PROPERTY

Address 5766 Geddes Road, Ann Arbor, MI 48105

Parcel ID# J-10-30-400-055 Parcel size 3.130 total acres

Size of the proposed building or addition, if any N/A

Use of existing building (if any) and property residential

Zoning classification of property R-1

If a new building is proposed, has the Building Inspection department examined the plans for the proposed building? YES NO

Has the department refused a permit? YES NO

Has there been any previous land use application involving this property? YES NO

If "YES", state the date of filing, the character of appeal and the disposition.

February 16, 2024 an appeal was filed from a zoning compliance certificate for a building permit and that appeal is unresolved.

DESCRIBE THE REASONS FOR YOUR APPEAL

Note: The Zoning Board of Appeals is required to use the standards listed in Section 13.08(B) of the Zoning Ordinance when considering an appeal. It is recommended that applicants review these standards and consider them in preparing a description of why the variance is needed. A copy of the standards is attached to the application.

See attached narrative.

YOU MAY WISH TO ASK YOUR NEIGHBORS TO SIGN THE FOLLOWING SECTION IF THEY HAVE NO OBJECTION TO THE APPEAL YOU ARE MAKING.

We the undersigned, as owners of property any part of which is located within 300 feet of any part of the property involved in this appeal, have no objections to the granting of the request made in this appeal:

NAME (PLEASE PRINT)	SIGNATURE	STREET ADDRESS
---------------------	-----------	----------------

<hr/>	<hr/>	<hr/>

INFORMATION REQUIRED TO BE SUBMITTED WITH APPEAL

The following must attached and submitted with the application:

- Ten (10) sets of drawings, all on sheets 8 ½ inches by 11 inches or 8 ½ inches by 14 inches, drawn to scale and showing all measurements, features and structures, including the general location of all natural features on the property, measurements to show distances between structures, measurements between structures and property lines, measurements for lot width and lot area, and height of structures. Rights-of-way and easements must also be shown.
- A letter of authority, or power of attorney, in the event the appeal is being made by a person other than the actual owner of the property.
- A complete legal description of the premises (as stated on the property deed or property tax bill.)

APPLICANT'S DEPOSITION – Must be completed by applicant.

I hereby state that all of the statements and information contained in this application and the supporting documents herewith are true and correct.

Signature of applicant *Matthew S. [Signature]*

Date 11/8/24

James D O'Leary Notary Public - State of Michigan County of Washtenaw My Commission Expires 26-May-2029
--

NOTARY PUBLIC – Applicant's signature must be notarized.

Sworn to before me this 8 day of November 2024

My commission expires 26 - may - 2029 *[Signature]*
 (Notary Public, Washtenaw County, Michigan)

To be filled in by Township Clerk (or designated Township Officer/Personnel)

I hereby state that this petition was properly received and filed on Nov. 8 2024 (date)

Signature of Clerk (or designee)

[Signature]

Fee paid \$ 500.00 + \$ 1,000.00

ZBA-24-04

ESROW COLLECTED 2/18/25
(701-000-283-054)

DMF

Notice to Applicants for the Zoning Board of Appeals

Filing Applications

You must call and schedule an appointment with the Township Zoning Official Richard Mayernik to file an application. He may be reached at the Township Office at (734) 482-6099.

Meeting Schedule

The Zoning Board of Appeals does not have a regular meeting schedule. Meetings are called whenever there is an application for a variance. Because variance requests require a public hearing, it generally takes four (4) weeks from the date an application is received until a meeting of Zoning Board of Appeals can be held. This time is needed to schedule the meeting date and to mail out notices of the public hearing.

Reasons for the Appeal

The Zoning Board of Appeals is required to use the standards listed in Section 13.08 of the Zoning Ordinance when considering the appeals. It is recommended that applicants review these standards and consider them in preparing a description of why the variance is needed.

Site Visits

Filing an application gives the implied consent for Township officials and/or consultants to visit the subject site.

Application Fees

An application fee must be paid when you file your application. The fees are as follows:

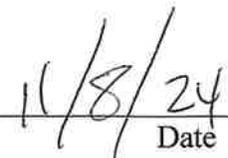
1. Appeals brought by the owner of a single-family dwelling for a variance from density and height regulations of the Zoning Ordinance = **\$175.00**
2. Any other appeal = **\$500.00**

Applicant's Acknowledgement

I hereby acknowledge that I have read and agree to the above and that I have been given a copy of this notice.



Signature



Date

PRESCRIBED BY BUREAU OF LOCAL GOVERNMENT SERVICES
MICHIGAN DEPARTMENT OF TREASURY

OFFICIAL
RECEIPT

SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN

050678

DATE 2-18-25

RECEIVED FROM Matt Schuster \$ 1,000-
One Thousand = DOLLARS

FUND	ACCOUNT NO.	AMOUNT
701-000-283-054	1602	\$1,000-

IN PAYMENT FOR ZBA 24-04
Escrow Payment


AUTHORIZED SIGNATURE



Warner Norcross + Judd LLP

November 8, 2024

Superior Charter Township
Zoning Board of Appeals
3040 North Prospect Road
Ypsilanti, Michigan 48198

Re: **Zoning Board of Appeals Application**
5766 Geddes Road, Ann Arbor, Michigan, Parcel ID# J-10-30-400-055

Dear Members of the Zoning Board of Appeals:

Please accept this letter and attachments as Matt Schuster's request for interpretation of the zoning ordinance and as a narrative for the appeal application signed by Mr. Schuster. The application and this letter together serve as a timely appeal of the September 12, 2024 determination by the zoning administrator (**Exhibit A**) that Mr. Schuster's boundary adjustment request (**Exhibit B**) should be denied because the adjustment would violate the Superior Township Zoning Ordinance ("ZO"). This denial of zoning approval is based on an incorrect interpretation of the ZO.

Mr. Schuster seeks to acquire a strip of land approximately twelve feet wide along the entire length of adjacent lot to the east that would extend from Geddes Road to the Huron River. (See Ex B.) The request was denied by the Zoning Administrator because the frontage on the river would be less than 200 feet. (Ex A.) The Zoning Administrator later clarified that by "frontage" the Zoning Administrator means "lot width" and then concluded the minimum "frontage" would be 160 feet. (**Exhibit C.**)

Respectfully, there is no minimum water "frontage" established by the zoning ordinance, using the proper definition of that term. And if the Zoning Administrator's conclusion is that the proposed boundary adjustment does not meet the minimum lot width standards under Sections 3.101 and 3.202, the Zoning Administrator is mistaken, as explained in the narrative below. His interpretation was also recently contradicted by the Township just four years ago when it approved a parcel with "frontage" on the Huron River that would be noncompliant under the Zoning Administrator's interpretation. (Ex C.) The decision denying Mr. Schuster's boundary adjustment should be reversed.

Gaëtan Gerville-Réache | Partner
D 616.752.2207
E greache@wnj.com
150 Ottawa Avenue, N.W., Suite 1500
Grand Rapids, MI 49503

The 200-foot minimum width under Section 3.101 is measured at the front building line, not the front lot line.

The Zoning Administrator’s September 12 letter points to ZO § 3.101 as establishing a minimum “frontage” of 200 feet. The table from Section 3.101 referenced in the Zoning Administrator’s decision is pasted below for ease of reference.

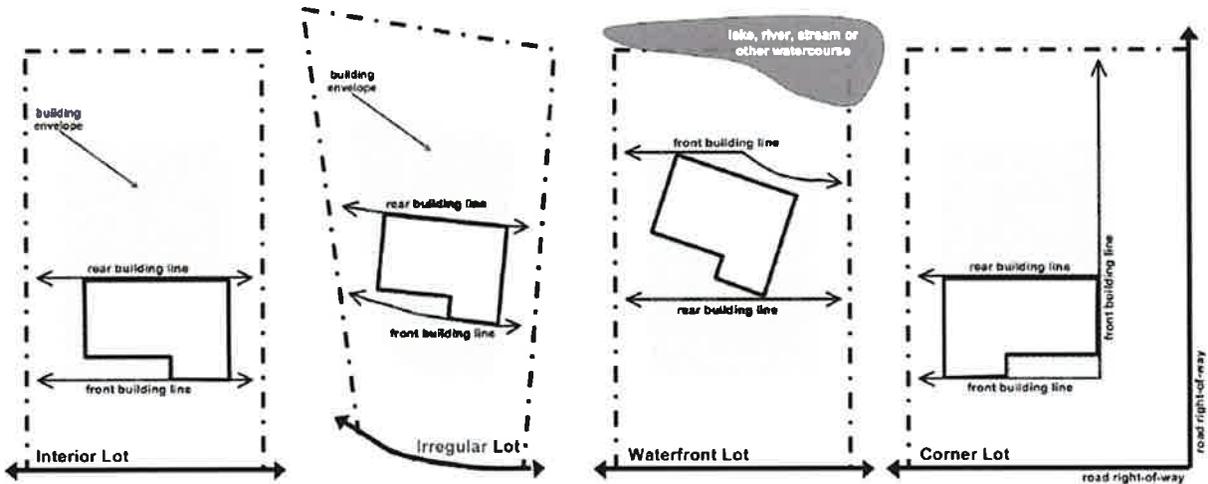
Section 3.101 Table of Dimensional Standards by District.

Dimensional Standards		Districts															Additional Standards			
		Rural			Rural Residential		Urban Residential			Business			Other	Special						
		R-C	A-1	A-2	R-1	R-2	R-3	R-4	R-6	R-7	C-1	C-2	O-1	PSP	PC	NSC		VC	MS	PM
Maximum Building Height	Feet	35	40	40	35	35	35	35	35	35	35	35	35	35	30	35		35		Section 3.201
	Stories	2.5	3.0	3.0	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.0	2.5		3.0		
Lot Standards	Minimum Width (feet)	225	225	225	200	150	100	60		125	150	150	100	150	250	100		150		Section 3.202
	Minimum Depth (feet)						150	120												
	Minimum Area (acres or square-feet)	5.0 acres	5.0 acres	2.0 acres	2.0 acres	1.0 acre	21,780	7,200		21,780	10,500	20,000	20,000	20,000	3.0 acres	20,000		2.0 acres		
Yard/Setback Standards (feet)	Front Yard	Minimum	60	75	75	60	50	35	25	35	20	35	20	20	50	20		50		Section 3.203
		Maximum														35				
	Minimum Side Yard	One Side	30	30	30	20	15	10	6	15	15	20	10	20	25	10		10		
		Total of Two	60	60	60	60	50	25	16	35	30	40	20	40	50	20		20		
	Minimum Rear Yard	50	50	50	50	50	50	35		35	35	35	35	35	25	35		35		
Maximum Ground Floor Coverage (GFC)	5%	5%	5%	10%	15%	20%	25%		20%	20%	25%	25%	25%	20%	25%		20%		Section 3.203E	
Maximum Floor Area Ratio (FAR)	0.05	0.05	0.05	0.10	0.15	0.25	0.40		0.30	0.30	0.50	0.50	0.50	0.20	0.50		0.40		Section 3.203E	
Maximum Net Dwelling Unit Density (units per acre)	0.2	0.2	0.5	0.5	1.0	2.0	4.0		8.0											Section 3.204

The 200-foot minimum for R-1 in that section establishes the minimum lot width for the “Lot Standards” in Section 3.202. According to Section 3.202, “the minimum required width of any lot shall consist of the horizontal straight-line distance between the side lot lines measured along the front building line, or the required front yard setback line for vacant lots.” ZO § 3.202(A) (emphasis added). The “building line” is defined in Section 17.03(25) as either:

- a. The junction of the plane of the *outer surface of the front or rear of the building* with the plane of the finish grade or surface of the adjoining ground, where this line is generally parallel to the nearest front or rear lot boundary.
- b. The line tangent to the *point of the building* nearest to the front or rear lot boundary and extending to the side lot boundaries in a manner generally parallel to the nearest front or rear lot boundary.

The location of a front building line is shown in the illustration from the ordinance found in the Zoning Administrator’s letter and pasted below. The waterfront lot example in the illustration below provides an example of a front building line that is tangential to the point of the building nearest the front lot line. Notice that the front building line is neither at the edge of the building envelope (setback) nor at the lot line (the lot boundary); it is adjacent or tangent to the building.



Building Lines

Mr. Schuster’s lot is not vacant, so the 200-foot minimum lot width is measured at the front building line. Because the boundary adjustment would mean the lot borders on a river, the Zoning Administrator contends that the front lot line is the line fronting on the water. But regardless of whether the front lot line is on the river or on Geddes Road, that is not where the minimum 200-foot lot width is measured. It is measured at the front building line. The ZBA should interpret the zoning ordinance accordingly.

In this case, the boundary adjustment would not put Mr. Schuster’s lot out of compliance with the 200-foot minimum lot width requirement. It is apparent from looking at the survey attached to Mr. Schuster’s boundary adjustment application that the adjustment only increases the width of Mr. Schuster’s lot at the front building line. (See Ex B; see also **Exhibit D**.) It does not decrease it.

Critically, no provision in the zoning ordinance establishes minimum “frontage” along a river or lake. The term does not even apply in that context. “Frontage” is a defined term that refers to “[a] linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way, or at the front yard setback line for lots on cul-de-sacs.” ZO § 17.03(86). Accordingly, the only a minimum frontage requirement in the zoning ordinance is along a street: “The straight-line distance between the side lot lines at their foremost points, where they intersect the street line, shall not be less than eighty percent (80%) of the required lot width, except

in the case of lots fronting onto the turning circle of cul-de-sac streets, in which case the minimum distance shall be 20 feet.” ZO § 3.202(A) (emphasis added). The Zoning Administrator’s conclusion that the minimum “frontage” would be 160 feet is presumably based on this provision. But this provision by its own terms only applies to street frontage.

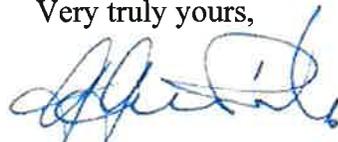
The absence of any minimum frontage requirement for a waterfront was confirmed by the Township when it approved a subdivision just four years ago with a lot that does not meet the minimum lot width at the water. (See Ex C.)

In sum, it makes no difference if the frontage on the Huron River would be 12 feet because there is no minimum water frontage requirement in the zoning ordinance. The 200-foot minimum the Zoning Administrator points to in Section 3.101 is the minimum lot width, not the minimum frontage. And that minimum lot width is measured at the front building line, not the front lot line. ZO § 3.202(A). And the 160-foot minimum stated in the September 24 letter is mistakenly based on the second sentence of Section 3.202(A), which addresses side lot lines “where they intersect the street line,” not the front lot line or the water. The boundary adjustment Mr. Schuster requested does not put his lot out of compliance with minimum lot width requirement when lot width is properly measured at the front building line.

For these reasons, Mr. Schuster requests that the ZBA reverse the Zoning Administrator’s decision and issue an interpretation of the zoning ordinance that:

1. There is no minimum “frontage” on a river or lake; and
2. The minimum width of the lot in the R-1 District that is not vacant is measured at the front building line, not the front lot line.

Very truly yours,



Gaëtan Gerville-Réache

ADDENDUM OF APPLICABLE ZONING ORDINANCE SECTIONS

Section 17.03(25).	Building Line The line formed by either of the following, as applicable: a. The junction of the plane of the outer surface of the front or rear of the building with the plane of the finish grade or surface of the adjoining ground, where this line is generally parallel to the nearest front or rear lot boundary. b. The line tangent to the point of the building nearest to the front or rear lot boundary and extending to the side lot boundaries in a manner generally parallel to the nearest front or rear lot boundary. At no point shall a building line extend closer to the front or rear lot boundaries than the minimum required yard setbacks for the zoning district (see “ Building Lines ” illustration) [amended 12/16/2013, Ord. 174-13].
Section 17.03(86)	Frontage A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.
Section 17.03(119)	Lot Line Any line dividing one lot from another lot or from a road right-of-way or from any public place. a. Front Lot Line. The line separating a lot from a road right-of-way. (1) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and 33 feet back from the centerline of the pavement. (2) Where lots border upon a lake or river, the front lot line shall be designated as that line fronting on the water. (3) On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained.

Section 3.101	[See table inserted in narrative above.]
Section 3.202(A)	Lot Width Measurements The minimum required width of any lot shall consist of the horizontal straight-line distance between the side lot lines measured along the front building line, or the required front yard setback line for vacant lots. The straight-line distance between the side lot lines at their foremost points, where they intersect the street line, shall not be less than eighty percent (80%) of the required lot width, except in the case of lots fronting onto the turning circle of cul-de-sac streets, in which case the minimum distance shall be 20 feet.

Exhibit A



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

To: Diane Mulville-Friel, Township Zoning Administrator

From: Ben Carlisle, AICP

Date: September 12, 2024

Re: Parcel J-10-32-400-024 Boundary Adjustment Application

The Township has received a Property Boundary Adjustment application from Matt Schuster, property owner of 5766 Geddes Road (parcel J-10-32-400-024) to obtain a 0.195 acre portion from 5800 Geddes Road (parcel J-10-30-200-055). Both parcels are zoned R-1- Single-Family Residential District and bound to the lot regulations set forth in Section 3.101 Table of Dimensional Standards by District. As set forth in Section 3.1.01, the minimum frontage for R-1 is 200-feet.

Frontage is defined in Section 17 of the Zoning Ordinance:

Frontage. *A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.*

The use of the term lot line is used in the definition of frontage. As set forth in Section 17.02.119, front lot line is defined as:

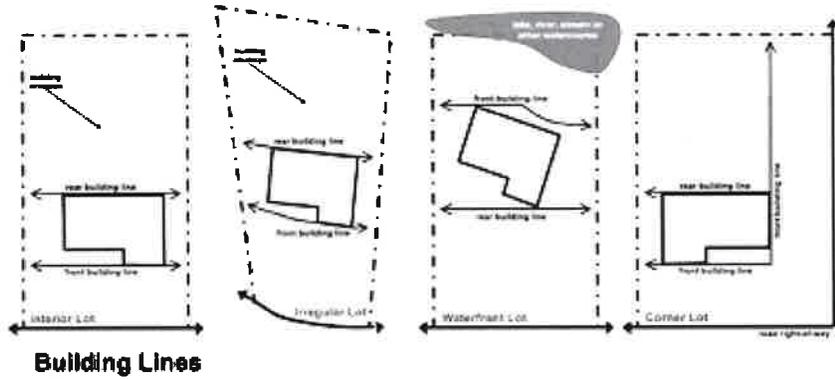
Lot Line. *Any line dividing one lot from another lot or from a road right-of-way or from any public place*

a. **Front Lot Line.** *The line separating a lot from a road right-of-way.*

- 1) *In the case of a private road that does not have a dedicated right-of way, this line shall be parallel to and 33 feet back from the centerline of the pavement.*
- 2) *Where lots border upon a lake or river, the front lot line shall be designated as that line fronting on the water.*
- 3) *On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained*

Benjamin R. Carlisle, *President* John L. Enos, *Vice President*
Douglas J. Lewan, *Principal* David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal*
Paul Montagno, *Principal*, Megan Masson-Minock, *Principal*, Laura Kreps, *Senior Associate*
Richard K. Carlisle, *Past President/Senior Principal*

ILLUSTRATIONS



We have highlighted section 2 of the Front Lot Line definition:

Where lots border upon a lake or river, the front lot line shall be designated as that line fronting on the water.

The 0.195 acre portion is only 12.13' in width abutting the waterside. The proposed newly created lot does not have the required frontage on the waterside (river). In order to comply with the required front lot line, the frontage on the waterside shall be a minimum of 200-feet.

Thus, the Parcel J-10-32-400-024 Boundary Adjustment application shall be denied. The applicant may amend their application to comply with all zoning ordinance requirements.

Please contact me if you have any additional questions.

Sincerely,

CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, AICP, LEED AP
Principal

Exhibit B

Boundary Adjustment
SUPERIOR CHARTER TOWNSHIP ~~LAND DIVISION APPLICATION~~

You MUST answer all questions and include all attachments or this application will be returned to you as incomplete. Bring or mail the completed application to: 3040 N. Prospect, Ypsilanti, MI 48198, for the municipal reviewing agent.

Division of land within the Township requires prior Township approval whenever a proposed division is less than 40 acres and is not otherwise exempt from the requirement by the Township's Land Division Ordinance. NOTE: Approval of a proposed land division is not a determination that any resulting parcel complies with other Township Land Use Ordinances and/or regulations, or that a building permit can or will be issued for any resulting parcel in the future.

* Boundary Adjustment Only between
Parcels to J-10-30-400-024
J-10-30-400-055

Applicant Information.

Name: Math Schuster
Address: 5766 Geddes
City, state, zip: Ann Arbor MI 48105
Phone: 734-790-5650 Fax: _____

This form is designed to comply with section 109 of the Michigan Land Division Act (formerly the subdivision control act), P.A. 288 of 1967, as amended, and the Township's Land Division Ordinance.

1. LOCATION OF PARENT PARCEL TO BE SPLIT: Adjusted
Address: 5800 Geddes Road Name: _____
Parent parcel number: J-10-30-400-024 (Parcel Id unchanged)
Legal description of Parent Parcel (attach extra sheets if needed).

2. PROPERTY OWNER INFORMATION:
Name: Elaine M. Quirk, Trustee Phone: () _____
Address: 5800 Geddes City, State: Ypsilanti Zip: 48198

3. DESCRIBE THE DIVISION(S) BEING PROPOSED: * Adjustment Only *
- A. Is the proposed division from a parent parcel (parcel created on or before March 31, 1997)? (yes or no) N/A
 - B. Is the proposed division from an exempt split or other parcel created subsequent to March 31, 1997? (yes or no) If yes, what is the recording date of the parcel being divided? Adjust only N/A
 - C. Total acreage of the parcel or tract being divided. 0.195 acres
 - D. Number of proposed new Parcels 2
 - E. Intended use (residential, commercial, etc.) Residential
 - F. Is the parcel to be divided a lot or outlot in a platted subdivision? (yes or no) No
 - G. Are all proposed new parcels greater than or equal to 40 acres? (yes or no). If so, is each resulting parcel accessible as defined by the Township's Land Division Ordinance? (yes, or no) N/A
 - H. Does each proposed parcel have a depth to width ratio of 4 to 1 or less? (yes) or no. YES
 - I. Does each parcel have a width not less than required by the Township's Land Division and/or Zoning Ordinance? (yes) or no. YES
 - J. Does each parcel have an area not less than required by the Township's Land Division and/or Zoning Ordinance? (yes) or no. YES
 - K. Does each resulting parcel of the proposed division provide access to an existing or proposed public road? (yes) or no. YES
 - L. Does each resulting parcel that is a development site have adequate easements for public utilities from the parcel to existing public utility facilities? (yes) or no. YES

4. RIGHT TO MAKE FUTURE DIVISIONS EXEMPT FROM PLATTING:
The owner or proprietor of a parent parcel may transfer the right to make divisions exempt from platting. If the proposed division includes the transfer of future division rights, you must include a statement in the deed in substantially the following form: "The grantor grants to the grantee the right to make ___ division(s) under section 108 of the Land Division Act."
Parcel Ids unchanged
N/A
- A. Is the proposed division being made from a parent parcel? (yes or no) YES
 - B. Does the proposed division include a transfer of the right to make future divisions exempt from platting under the Act? (yes or no). If yes, provide the following information: _____

Total number of divisions (parcels) allowed to the parent parcel - _____

Number of parent parcel divisions (parcels) made prior to this application - _____

Number of divisions (parcels) resulting from this application - _____

Number of divisions (parcels) remaining in the parent parcel after this application - _____

Proposed number of division rights being transferred - _____

Number of future division rights (if any) go with which parcels?
Parcel # J-10- - - - (____ acres) has ____ # of future divisions if any.
Parcel # J-10- - - - (____ acres) has ____ # of future divisions if any.
Parcel # J-10- - - - (____ acres) has ____ # of future divisions if any.

5. **DEVELOPMENT SITE LIMITS:**

Check each item that represents a condition which exists on the parent parcel. Any part of the parcel:

- Is riparian or littoral (it is a river-bank or lake-front parcel)
- Includes a wetland
- Is within a flood plain
- Is on muck soils or soils known to have severe limitations for on-site systems
- Is known or suspected to have an abandoned well, underground storage tank or contaminated soils

6. **ATTACHMENTS:** (all attachments must be included).

Letter each attachment as shown here.

- A. A scale drawing that complies with the requirements of the Township's Land Division Ordinance and P.A. 288 of 1967, as amended, for the proposed division(s) showing:
 1. Parent parcel boundaries, area and dimensions (as of March 31, 1997), and
 2. Parcel lines, boundaries and area of all previous divisions made from the parent parcel after March 31, 1997 (indicate when made and recorded or none), and
 3. The parcel lines, area, and dimensions of all resulting parcels from the proposed division(s), and
 4. existing and proposed road/easement rights of way, and
 5. existing and proposed easements for public utilities from each resulting parcel that is a development site to existing public utility facilities, and
 6. any existing improvements (buildings, wells, septic systems, driveways, etc.)
- B. Provide the name for, and attach a legal description of, any proposed new road, easement or shared driveway. Note: a new road name can not duplicate an existing road name.
- C. Legal description for each resulting parcel from the proposed division.
- D. Indication of approval, or permit from County Road Commission, MDOT or Superior Charter Township, for each proposed new road, easement, or shared driveway for accessibility pursuant to the Township's Land Division Ordinance.
- E. A copy of any deed or conveyance that transfers to the applicant the right to make the proposed division.
- F. A fee of \$_____.
- G. Other (please list).

7. **IMPROVEMENTS:**

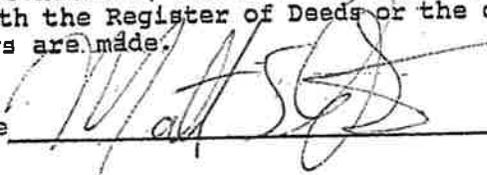
Describe any existing improvements (buildings, well, septic, etc.) which are on any of the resulting parcels from the proposed division, or indicate none (attach extra sheets if needed).

8. **AFFIDAVIT** and permission for municipal, county and state officials to enter the property for inspections:

I agree that the statements made above are true, and if found not to be true, this application and any approval will be void. Further, I agree to comply with the conditions and regulations provided with parent parcel division. Further, I agree to give permission for officials of the municipality, county and the State of Michigan to enter the property where this parcel division is proposed for purposes of inspection to verify that the information on the application is correct at a time mutually agreeable with the applicant. I understand that the Township's approval of the proposed division is not a determination that the resulting parcels comply with the Township's zoning ordinance and does not include any representation that a building permit can or will be issued for any resulting parcel, nor does approval of a proposed division convey rights under any other statute, building code, zoning Ordinance, deed restriction or other property rights.

Finally even if this division is approved, I understand that zoning, local Ordinances and state Acts change from time to time, and if changed the divisions made here must comply with the new requirements (apply for division approval again) unless deeds, land contracts, leases or surveys representing the approved divisions are recorded with the Register of Deeds or the division is built upon before the changes to laws are made.

Property Owner's Signature



Date:

8/12/24

DO NOT WRITE BELOW THIS LINE

Reviewer's action _____

Total \$ _____

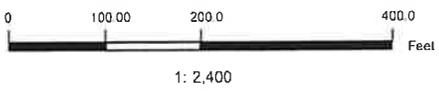
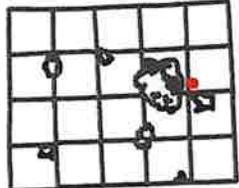
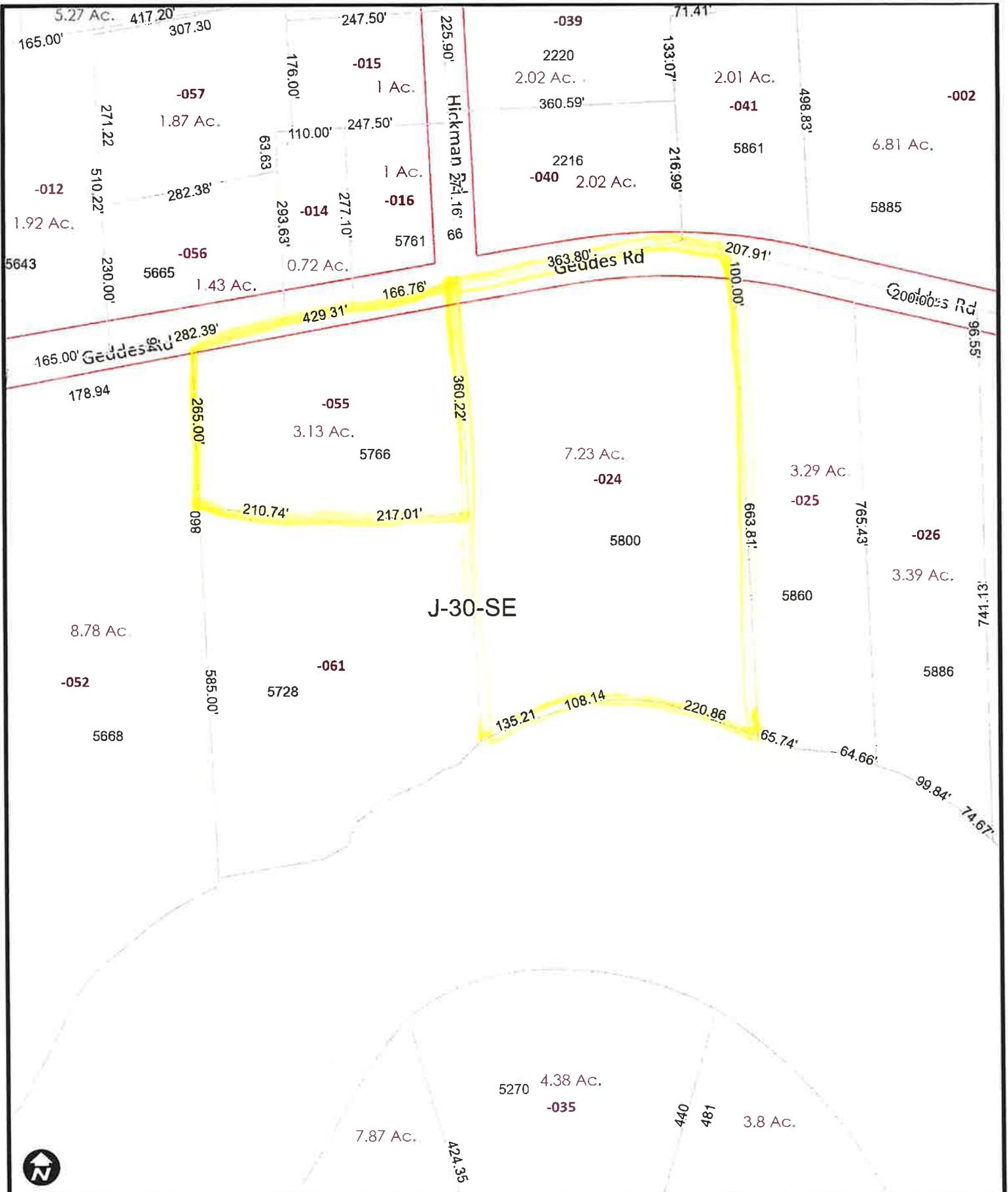
Receipt # _____

Approved: Conditions, if any: _____

Denied: Reasons (cite): _____

Signature: _____

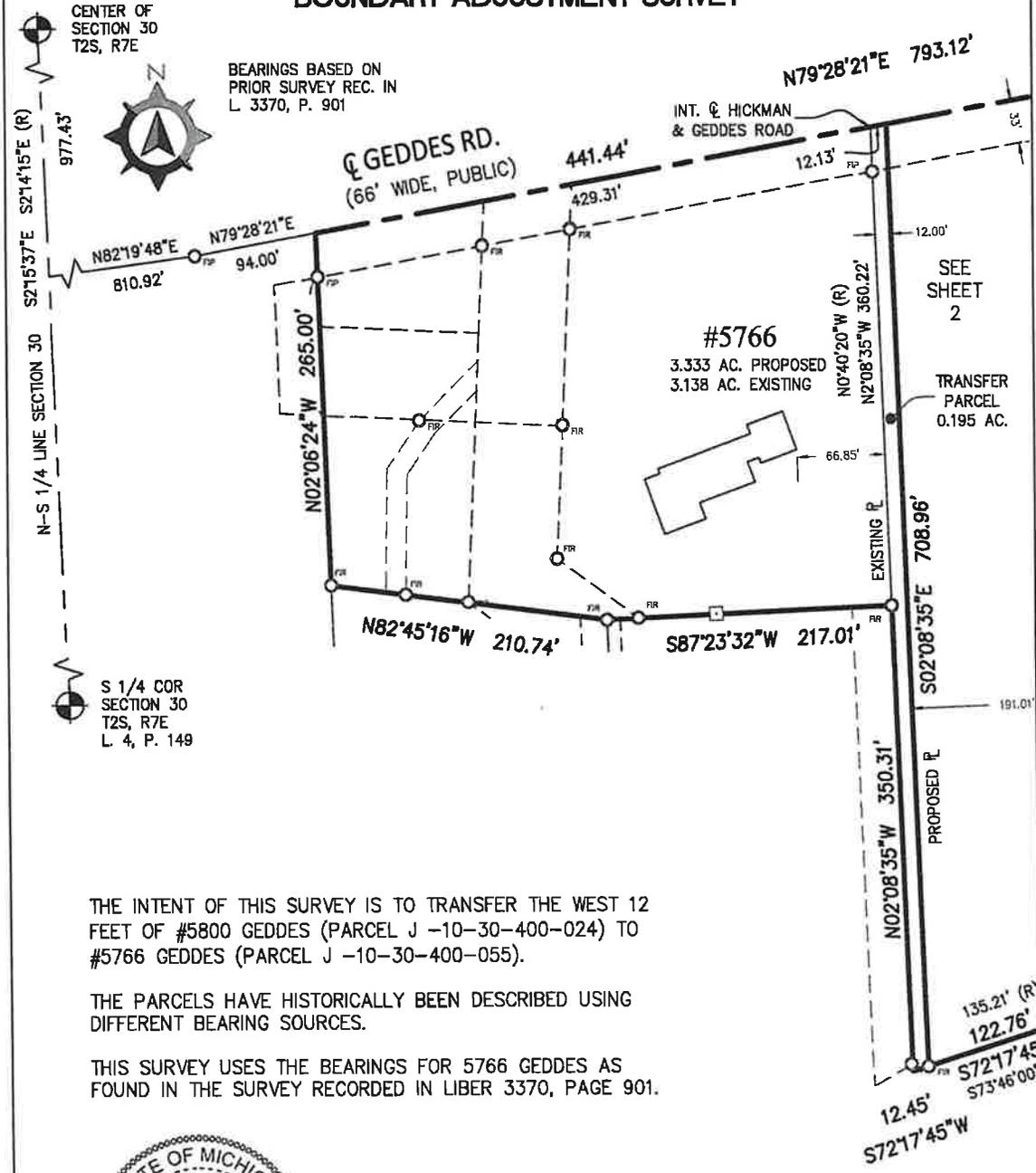
Date: _____



NOTE: Parcels may not be to scale.
 The information contained in this cadastral map is used to locate, identify, and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.

8/26/2024
 THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHTENAW COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-222-8662

BOUNDARY ADJUSTMENT SURVEY



THE INTENT OF THIS SURVEY IS TO TRANSFER THE WEST 12 FEET OF #5800 GEDDES (PARCEL J -10-30-400-024) TO #5766 GEDDES (PARCEL J -10-30-400-055).

THE PARCELS HAVE HISTORICALLY BEEN DESCRIBED USING DIFFERENT BEARING SOURCES.

THIS SURVEY USES THE BEARINGS FOR 5766 GEDDES AS FOUND IN THE SURVEY RECORDED IN LIBER 3370, PAGE 901.



CLIENT: SCHUSTER

**BOUNDARY
ADJUSTMENT SURVEY**
BETWEEN 2 PARCELS IN
SE 1/4 OF SECTION 30,
T2S, R7E
SUPERIOR TOWNSHIP,
WASHTENAW COUNTY,
STATE OF MICHIGAN.

LEGEND:

- SECTION CORNER
- FOUND IRON PIPE
- FOUND IRON ROD
- FOUND MAG NAIL
- FOUND MONUMENT
- SET IRON PIPE
- SET WOOD LATH
- RECORDED
- CALCULATED



6653 Schneider Rd. • Manchester, MI • 48158

(734) 669-2960 • arborlandinc.com

JOB NO.: 16621 DATE: 5-8-2024

FLD. BOOK: 24-2 REVISED: -

SHEET 1 OF 4 BY: KJG

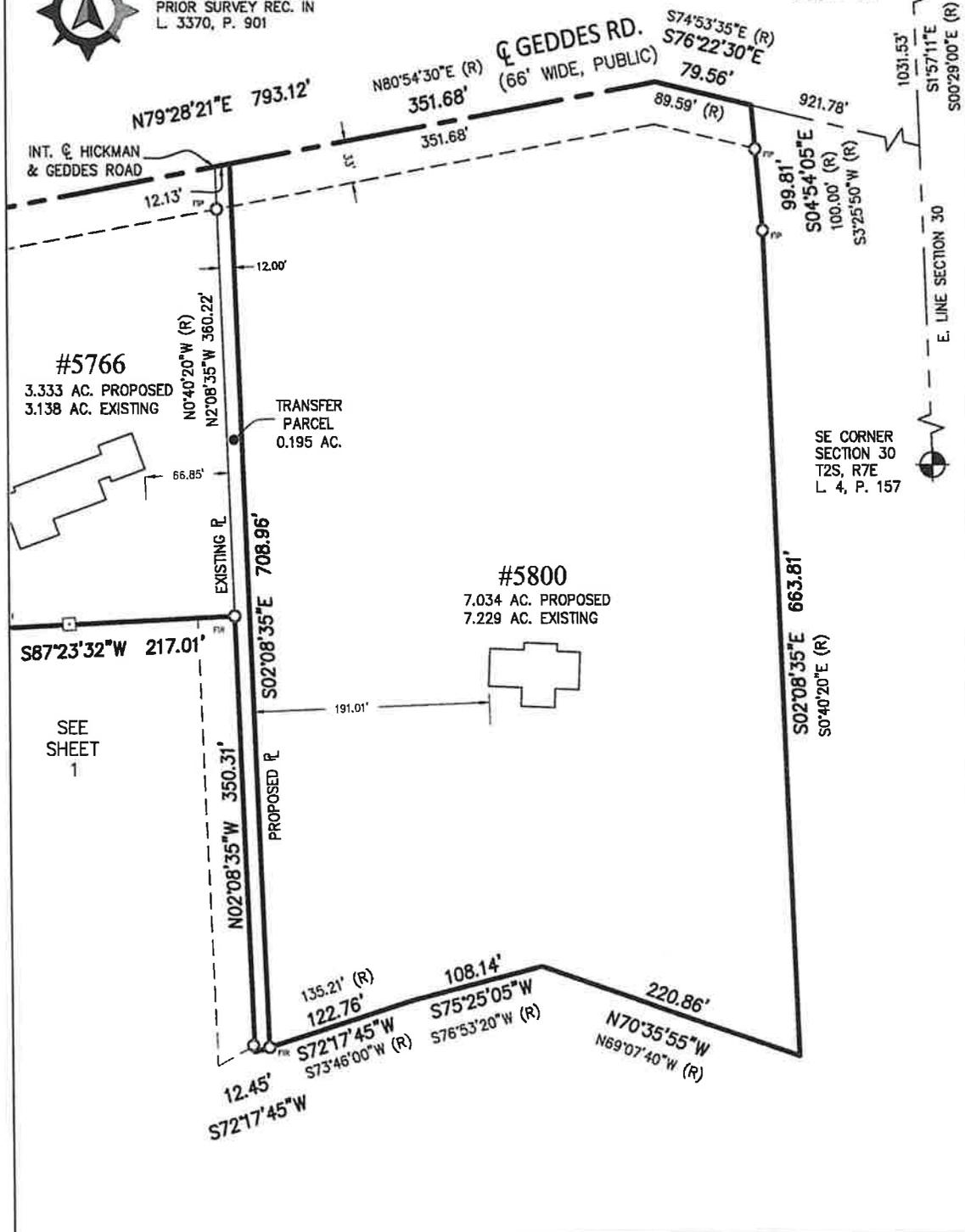
SCALE: 1" = 100'



BOUNDARY ADJUSTMENT SURVEY

BEARINGS BASED ON
PRIOR SURVEY REC. IN
L. 3370, P. 901

E 1/4 COR
SECTION 30
T2S, R7E
L. 4, P. 155



CLIENT: SCHUSTER

**BOUNDARY
ADJUSTMENT SURVEY**
BETWEEN 2 PARCELS IN
SE 1/4 OF SECTION 30,
T2S, R7E
SUPERIOR TOWNSHIP,
WASHTENAW COUNTY,
STATE OF MICHIGAN.

LEGEND:

- SECTION CORNER
- FOUND IRON PIPE
- FOUND IRON ROD
- FOUND MAG NAIL
- FOUND MONUMENT
- SET IRON PIPE
- SET WOOD LATH
- (R) RECORDED
- (C) CALCULATED



6653 Schneider Rd. • Manchester, MI • 48158

(734) 669-2960 • arborlandinc.com

JOB NO.: 16621	DATE: 5-8-2024
----------------	----------------

FLD. BOOK: 24-2	REVISED: -
-----------------	------------

SHEET 2 OF 4	BY: KJG
--------------	---------

SCALE: 1" = 100'

EXISTING #5800 GEDDES PER WASHTENAW COUNTY:

Beginning at the intersection of the Centerline of Geddes and Hickman Roads; thence North 80°54'30" East 363.8 feet; thence South 74°53'35" East 89.59 feet; thence South 03°25'50" West 100.00 feet; thence South 00°40'20" East 663.81 feet; thence North 69°07'40" West 220.86 feet; thence South 76°53'20" West 108.14 feet; thence South 73°46'00" West 135.21 feet; thence North 00°40'20" West 710.53 feet to the POINT OF BEGINNING.

EXISTING #5766 GEDDES:

Commencing at the Center of Section 30, Township 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan; thence South 02°14'15" East 977.43 feet along the North and South 1/4 line of said Section and the Centerline of Gale Road; thence North 82°19'48" East 810.92 feet along the centerline of Geddes Road; thence continuing along said centerline North 79°28'21" East 94.00 feet to the POINT OF BEGINNING; thence continuing along said centerline North 79°28'21" East 429.31 feet to a found iron at the centerline of said Geddes Road and Hickman Road; thence South 02°08'35" East 360.22 feet; thence South 87°23'32" West 217.01 feet; thence North 82°45'16" West 210.74 feet; thence North 02°06'24" West 265.00 feet to the POINT OF BEGINNING.

TRANSFER PARCEL:

A part of the Southeast 1/4 of Section 30, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan described as:
Commencing at the East 1/4 Corner of said Section 30; thence along the East line of said Section South 01°57'11" East 1031.53 feet; thence along the Centerline of Geddes Road North 76°22'30" West (recorded as North 74°53'35" West) 1001.34 feet; thence continuing along said Centerline South 79°28'21" West (recorded as South 80°54'30" West) 351.68 feet to the POINT OF BEGINNING; thence South 02°08'35" East 708.96 feet to a point on the bank of the Huron River; thence along said bank South 72°17'45" West (recorded as South 73°46'00" West) 12.45 feet; thence North 02°08'38" West (recorded as North 00°40'20" West) 710.53 feet to the intersection of the Centerline of Geddes Road with the Centerline of Hickman Road; thence along the centerline of Geddes Road North 79°28'21" East 12.13 feet to the POINT OF BEGINNING, containing 0.195 acres of land, more or less.

CLIENT: SCHUSTER

**BOUNDARY
ADJUSTMENT SURVEY**
BETWEEN 2 PARCELS IN
SE 1/4 OF SECTION 30,
T2S, R7E
SUPERIOR TOWNSHIP,
WASHTENAW COUNTY,
STATE OF MICHIGAN.

LEGEND:	
	SECTION CORNER
	FOUND IRON PIPE
	FOUND IRON ROD
	FOUND MAG NAIL
	FOUND MONUMENT
	SET IRON PIPE
	SET WOOD LATH
(R)	RECORDED
(C)	CALCULATED



**ARBOR LAND
CONSULTANTS**
Professional Land Surveyors

6653 Schneider Rd. • Manchester, MI • 48158
(734) 669-2960 • arborlandinc.com

JOB NO.:	16621	DATE:	5-8-2024
FLD. BOOK:	24-2	REVISED:	-
SHEET 3 OF 4		BY:	KJG

SCALE: 1" = 100'

PROPOSED #5800 GEDDES:

A part of the Southeast 1/4 of Section 30, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan described as:
Commencing at the East 1/4 Corner of said Section 30; thence along the East line of said Section South 01°57'11" East 1031.53 feet; thence along the Centerline of Geddes Road North 76°22'30" West (recorded as North 74°53'35" West) 921.78 feet to the POINT OF BEGINNING; thence South 04°54'05" East 99.81 feet (recorded as South 03°25'50" West 100.00 feet); thence South 02°08'35" East (recorded as South 00°40'20" East) 663.81 feet; thence along the bank of the Huron River North 70°35'55" West (recorded as North 69°07'40" West) 220.86 feet; thence continuing along said bank South 75°25'05" West (recorded as South 76°53'20" West) 108.14 feet; thence continuing along said bank South 72°17'45" West (recorded as South 73°46'00" West) 122.76 feet; thence North 02°08'35" West (recorded as North 00°40'20" West) 708.96 feet; thence along the Centerline of Geddes Road North 79°28'21" East (recorded as North 80°54'30" East) 351.68 feet; thence continuing along said centerline South 76°22'30" East 79.56 feet (recorded as South 76°22'30" East 89.59 feet) to the POINT OF BEGINNING, containing 7.034 acres of land, more or less.

PROPOSED #5766 GEDDES:

A part of the Southeast 1/4 of Section 30, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan described as:
Commencing at the East 1/4 Corner of said Section 30; thence along the East line of said Section South 01°57'11" East 1031.53 feet; thence along the Centerline of Geddes Road North 76°22'30" West (recorded as North 74°53'35" West) 1001.34 feet; thence continuing along said Centerline South 79°28'21" West (recorded as South 80°54'30" West) 351.68 feet to the POINT OF BEGINNING; thence South 02°08'35" East 708.96 feet to a point on the bank of the Huron River; thence along said bank South 72°17'45" West (recorded as South 73°46'00" West) 12.45 feet; thence North 02°08'38" West (recorded as North 00°40'20" West) 350.31 feet; thence South 87°23'32" West 217.01 feet; thence North 82°45'16" West 210.74 feet; thence North 02°06'24" West 265.00 feet to a point on the Centerline of Geddes Road, said point being located the following three (3) courses from the Center of said Section 30: 1) South 02°15'37" East 977.43 feet, 2) North 82°19'48" East 810.92 feet, and 3) North 79°28'21" East 94.00 feet; thence continuing along said centerline North 79°28'21" East 441.44 feet to the POINT OF BEGINNING, containing 3.333 acres of land, more or less.

CLIENT: SCHUSTER		 ARBOR LAND CONSULTANTS Professional Land Surveyors 6653 Schneider Rd. • Manchester, MI • 48158 (734) 669-2960 • arborlandinc.com
BOUNDARY ADJUSTMENT SURVEY BETWEEN 2 PARECELS IN SE 1/4 OF SECTION 30, T2S, R7E SUPERIOR TOWNSHIP, WASHTENAW COUNTY, STATE OF MICHIGAN.	LEGEND:  SECTION CORNER  FOUND IRON PIPE  FOUND IRON ROD  FOUND MAG NAIL  FOUND MONUMENT  SET IRON PIPE  SET WOOD LATH  RECORDED  CALCULATED	
	SCALE: 1" = 100'	JOB NO.: 16621 DATE: 5-8-2024 FLD. BOOK: 24-2 REVISED: - SHEET 4 OF 4 BY: KJG

WARRANTY DEED

81-24917464-ANN

KNOW ALL PERSONS BY THESE PRESENTS: That Elaine M. Quirk, Trustee of the Elaine M. Quirk Trust under agreement dated September 27, 2002, ("Grantor")

the address of which is: 5800 Geddes Ave., Ypsilanti, MI 48198

convey(s) and warrant(s) to: Matthew Schuster and Alyssa Cairo, husband and wife, ("Grantee")

the address of which is: 5766 Geddes Rd., Ann Arbor, MI 48105

the following described premises situated in the Township of Superior, County of Washtenaw, State of Michigan, to wit:

SEE EXHIBIT A

also known as Property Address: Proposed 5766 Geddes Rd, Ann Arbor, MI 48105
Parcel ID No.: J-10-30-400-024 (part)

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 All division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of Thirty Five Thousand and 00/100 Dollars (***\$35,000.00***)

Subject to visible easements and encroachments, to easements and restrictive covenants of record and to the lien of taxes not yet due and payable at time of closing.

When Recorded return to:
Matthew Schuster
Alyssa Cairo
5766 Geddes Rd.
Ann Arbor, MI 48105

Send Subsequent Tax Bills To:
Grantee

Drafted By:
Elaine M. Quirk
5800 Geddes Ave.
Ypsilanti, MI 48198
Assisted by: ATA National Title Group,
LLC

Dated this 28th June, 2024

Signed by:
Elaine M. Quirk Trust under agreement
dated September 27, 2002

Elaine M. Quirk
Elaine M. Quirk, Trustee

State of Michigan)
County of Otsego) SS.

The foregoing instrument was acknowledged before me on this 28 day of June, 2024
by Elaine M. Quirk, Trustee of the Diane M. Quirk Trust under agreement dated September 27, 2002.

Marcia Prusakiewicz
Notary Public: _____
Notary County: _____ State: _____
Commission Expires: _____
Acting In: _____

MARCIA PRUSAKIEWICZ
Notary Public, State of Michigan
County of Otsego
My Commission Expires Mar. 24, 2026
Acting in the County of Otsego

EXHIBIT "A"

Land situated in the Township of Superior, County of Washtenaw, State of Michigan

A part of the Southeast 1/4 of Section 30, Town 2 South, Range 7 East, Superior Township, Washtenaw County, Michigan described as:

Commencing at the East 1/4 Corner of said Section 30; thence along the East line of said Section South 01°57'11" East 1031.53 feet; thence along the Centerline of Geddes Road North 76°22'30" West (recorded as North 74°53'35" West) 1001.34 feet; thence continuing along said Centerline South 79°28'21" West (recorded as South 80°54'30" West) 351.68 feet to the POINT OF BEGINNING; thence South 02°08'35" East 708.96 feet to a point on the bank of the Huron River; thence along said bank South 72°17'45" West (recorded as South 73°46'00" West) 12.45 feet; thence North 02°08'38" West (recorded as North 00°40'20" West) 710.53 feet to the intersection of the Centerline of Geddes Road with the Centerline of Hickman Road; thence along the centerline of Geddes Road North 79°28'21" East 12.13 feet to the POINT OF BEGINNING.

Parcel Identification No.: J-10-30-400-024 (part)

Commonly Known as: Proposed 5766 Geddes Rd
Tax Parcel ID: J-10-30-400-024 (part)