

**SUPERIOR CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
APPROVED MINUTES  
NOVEMBER 06, 2024  
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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, Devereaux, Parm, Smith, and Arico were in attendance. Deeds was absent and Lewis term expired November 05, 2024. Ben Carlisle and Diane Mulville-Friel of Carlisle Wortman Associates, Fred Lucas, Township Attorney, and Bill Balmes, Building Inspector, were also in attendance. A quorum was present. Member Arico served as secretary.

3. ADOPTION OF AGENDA

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

4. APPROVAL OF MINUTES

Secretary Brennan pointed out the need to update the minutes from January 31, 2024, to reflect the officers elected. The minutes were updated to reflect the following:

- Brennan (chair)
- Smith (co-chair)
- Arico (secretary)

A motion was made by Member Devereaux and supported by Member Lewis to approve the minutes of January 31, 2024, with the amendments listed. The motion carried.

5. CITIZEN PARTICIPATION

Stephen Przybylski of 5630 Meadow Lane shared with the board his concern with the construction of a one-car garage at 5843 Vreeland Rd, which was approved by the Zoning Board of Appeals on January 31, 2024. Mr. Przybylski stated that he did not believe that the ultimate design (2 stories with a subfloor) and construction was in-line with what the Board had approved and encouraged the Board to be even more specific in the future so that those residents seeking Zoning variances did not push the boundaries of what has been approved. Mr. Przybylski also thanked the entire ZBA for their

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consideration and thoughtfulness and expressed that he felt listened to and respected by the ZBA. Chair Brennan called for additional Citizen Participation. There was none.

6. COMMUNICATIONS

Chair Brennan called for the approval of all Memorandums submitted. Motion by Member Smith, supported by Member Parm. The motion carried.

7. PUBLIC HEARINGS AND CONSIDERATION OF APPEALS

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

Motion by Member Lewis, supported by Member Parm, to open public hearing.

Mr. Gaton, the lawyer of Mr. Schuster, began with his opening remarks. He stated that building occurred on the Schuster property without their consent. He provided documentation, including images of the property to support this position.

Mr. Gaton claimed that construction was started without a permit because the height of the retaining wall was not expected to exceed 4 feet in height. A stop work order was issued when it was discovered that the walls did indeed exceed 4 feet.

Mr. Gaton continued by stating that the application of the Moulriere's was "woefully inadequate" because the Plot Plan does not include existing structures.

Mr. Gaton 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 Moulriere's without the approval of the Schusters.

Mr. Gaton also stated that the distinction between a "road" and "driveway" in the case does not matter as the Zoning Ordinance states that both a road and a driveway need to be able to support emergency vehicles and called for a review by the Fire Chief.

Mr. Gaton closed by asking the ZBA to send the application back and do a proper review, which he claims was not done by Laura Bennett.

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Member Smith asked for more detail regarding the structures that were not included in the Plot Plan.

Mr. Gatton responded that they were concrete blocks that could be turned into future structures.

Mr. X, the lawyer for the Moulriere's, began his address by running through the legal process and timelines, including the judge's order and Court of Appeals decision.

Mr. X claimed that the Schuster's put concrete blocks on the edge of the retaining wall so they would "count" as a building. Mr. X also claimed that the only reason the Karmani easement was granted was so the driveway would be reclassified as a private road, which would benefit the Schuster's objection to the Moulriere's construction plans.

There were no questions from the Board following Mr. X's comments.

Fred Lucas, Township Attorney, then addressed the ZBA and shared the order from the Washtenaw County Court to approve the Moulriere application.

Chair Brennan stated that his opinion was that the ZBA should abide by the Washtenaw County Court's order.

Member Smith asked for clarification on what appeals are pending.

Member Smith and Member Devereaux asked for clarification on the difference between application approval and permit approval.

Mr. Gatton clarified the current appeals underway and his interpretation of what the order from the Washtenaw County Court means and requires of Superior Township.

Member Devereaux stated that she did not feel that the order from the judge required Superior Township to approve the application as it currently stands, but rather that the judge's order allowed Superior Township to approve the application in lieu of a signed document from the Shuster's.

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Mr. X stated that there is no confusion on the language used in the order from the Washtenaw County judge — Superior Township MUST approve the application.

Chair Brennan asked if a fire truck would be able to turn around with the current construction of the driveway/private road.

Bill Balmes, Building Inspector, stated that the driveway/private road was constructed before his tenure and he did not inspect it or have any knowledge of its inspection.

Daniel Snyder, the builder for the Mouliere's, stated that a fire truck had ample room at the top of the driveway/private road to turn around.

Member Lewis asked for documented proof that a fire truck could in fact turn around.

Daniel Snyder stated that the plans were complete and construction was currently underway.

Member Smith asked what was included in the zoning application and requested more details on the driveway construction specifically. This concern was addressed by Mr. Balmes.

Chair Brennan asked if there were any additional questions or statement. There were none.

The public hearing was closed.

The ZBA then began Deliberations.

Chair Brennan pointed that this issue has been brought before the ZBA before and has been through the courts with a ruling in favor of the Mouliere's.

Member Smith read Zoning Ordinance 1.07.

Member Lewis asked Member Smith to state her intention for referencing Zoning Ordinance 1.07.

Member Smith stated that according to her interpretation, this case has not been in compliance with Zoning Ordinance 1.07.

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Member Smith made a motion to appeal the certificate of zoning compliance dated November 18, 2023 based on the fact that the application was not approved. Member Devereaux seconded the motion.

Member Lewis asked for clarification on what the ZBA should do next to move the matter forward.

Chair Brennan suggested that the Township reach out to Laura Bennett to obtain missing information and get clarification on her original decision.

Fred Lucas, Township Attorney, asked the ZBA to amend the language of their previous motion.

Member Smith made a motion to grant the appeal filed by the Schuster's relative to the inadequacy of the application. Member Parm seconded.

Chair Brennan entertained a motion to postpone action for ZBA #24-02 pending contact via email with Laura Bennett, former Planning & Zoning Administrator, for further comment.

Member Lewis made the motion. Member Parm seconded.

Roll Call Vote:

Yes: Brennan, Devereaux, Lewis, Parm, Smith

No: None.

Absent: Deeds, Arico

Abstain: None.

The motion carried.

8. OLD BUSINESS

None

9. OTHER BUSINESS AS NECESSARY

None.

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10. ADJOURNMENT

A motion was made by Member Parm and supported by Member Lewis to adjourn the meeting at ??? p.m.

Respectfully submitted,

Thomas Brennan, III, Chair

Sarah Devereaux, Recording Secretary  
Superior Charter Township  
3040 N. Prospect, Ypsilanti, MI 48198