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Judge shoots down neighbors' challenge to rezoning for Ann Arbor-area mental health center

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By **Lucas Smolcic Larson** | ismolciclaron@mlive.com

ANN ARBOR, MI - A judge has ruled against a group of 26 neighbors challenging the proposed location of a residential center for young people with anxiety and depression near their properties outside Ann Arbor.

Garrett's Space, an Ann Arbor nonprofit, is developing a center meant to help people ages 18 to 28 with mental health struggles through temporary stays on a 76-acre wooded property off Dixboro Road.

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The neighboring property owners sued Superior Township in August, seeking to overturn a rezoning township leaders granted for the project a month prior.

But on Wednesday, Jan. 10, Washtenaw County Judge Carol Kuhnke dealt a blow to their case, granting summary disposition to the township and Garrett's Space and dismissing the neighbors' claims.

The property owners had argued the rezoning decision paving the way for the Garrett's Space project was inconsistent with the "rural residential" surroundings, alleging noncompliance with the township's master plan.

Attorneys for the township and Garrett's Space, which intervened in the case, countered that the neighbors' case amounted to a "difference of opinion" and not enough for the court to overturn the rezoning.

“We were disappointed with the judge’s decision. We believe we made a strong case that the rezoning should not have been approved,” Gregory Need, an attorney for the neighbors, said in an email. He added he would be discussing further options with his clients. They may appeal the ruling to the Michigan Court of Appeals.

Meanwhile, the founders of Garrett’s Space say the nonprofit is still working to make its residential center a reality.

Scott and Julie Halpert created the organization, named for their son Garrett, who died by suicide in 2017, to provide a wider range of treatment options for youth with anxiety and depression. The center would offer voluntary stays for young people to participate in support groups and activities like art, music, meditation and yoga.

“We are very pleased but not surprised by the judge’s decision,” said Scott Halpert in a statement. He noted the rezoning was approved by the Superior Township board after a lengthy and detailed review process featuring numerous public meetings and opportunities for comment.

“We remain focused on creating this new desperately needed resource to improve and save the lives of young adults in our community struggling with depression and anxiety. The project remains on track, and we intend to break ground on our new construction later this year,” he said.

The neighbors previously sought a court order to stop the permitting process for the project, but in October Kuhnke declined to grant it.

Garrett’s Space has purchased the multimillion-dollar home on the property and the surrounding acreage, property records show. Its plans involve using the house and building another roughly 12,000-square-foot residential center and a 2,000-square-foot “creativity studio” clustered around it.

Need, the attorney for the neighbors, argued the rezoning from agricultural A-2 zoning to a planned community classification for the project constituted “illegal spot zoning,” creating a small area inconsistent with its surroundings.

In legal filings, the plaintiffs raised concerns about aspects of the development from the availability of adequate well water to proper sanitary sewage disposal.

During the Wednesday hearing, Need framed the project as “medical facility” incompatible with the area, saying township officials ignored the language of their ordinances when they OK’d the rezoning. There are several large farms in the vicinity, and the decision means more inconsistent developments could be approved on that land in the future, he added.

In contrast, Gerald Fisher, an attorney representing Garrett's Space, made the case that the project advanced the township's goals of saving natural resources. The proposal includes a 58-acre conservation easement, protecting much of the property, he said.

A hypothetical residential development permitted under the prior zoning may have led to the destruction of forest and wetlands, Fisher said. Under the current plan, all construction will be concentrated in the middle of the property, more than 700 feet from neighbors, according to the nonprofit's plans.

"In addition to preserving natural resources, this approval of the concentration will save human lives, and we are very hopeful to get at this business of saving lives as soon as possible," Fisher said, referencing the mission of Garrett's Space.

Issues raised about sanitary disposal, water and wetland protection will all be addressed as the township reviews the site plan for the project, which hasn't yet been approved, added David Landry, an attorney for Superior.

In any case, those issues amount to "red herrings" in the context of the lawsuit, Kuhnke said while delivering her ruling. The judge noted there are other government agencies ready to competently and scientifically review the plans and grant permits prior to construction.

The judge said she was siding with the township and Garrett's Space for the reasons they articulated in their arguments.

"This case is all about whether the township properly applied its own standards in determining that the use that's proposed is consistent with the master plan for Superior Township," she said.

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