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Judge declines to stop permit process for Ann Arbor-area mental health center

Updated: Oct. 19, 2023, 8:43 a.m. | Published: Oct. 19, 2023, 8:20 a.m.



The property at 3900 N. Dixboro Road in Superior Township proposed as the home for a residential center from Ann Arbor suicide prevention nonprofit Garrett's Space, shown on Monday, July 26, 2021. Alyte Katilius | The Ann Arbor News

By [Lucas Smolcic Larson](#) | ismolciclarsen@mlive.com

WASHTENAW COUNTY, MI - A judge has declined to halt the permitting process for a planned residential center outside Ann Arbor that would serve young people struggling with anxiety and depression.

The decision from Washtenaw County Trial Court Judge Carol Kuhnke during an Oct. 18 hearing dealt a blow to neighbors challenging a rezoning Superior Township officials have granted for the proposed center for Ann Arbor suicide prevention nonprofit [Garrett's Space](#).

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Twenty-six property owners near the proposed center requested a court order preventing the township from processing any site plans or issuing any permits for the project, as a part of their lawsuit against the township filed in August.

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In her decision on Wednesday, Kuhnke said the landowners had failed to meet the standards necessary for the order.

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The plaintiffs in the case have a “small” likelihood to succeed on the merits of their claims, she said, and the defense did a good job demonstrating that a hypothetical alternative development with single-family homes that could be built on the 76-acre property would be “far more disruptive” than what Garrett’s Space is proposing.

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The ruling doesn't end the lawsuit, which seeks to overturn the rezoning township leaders granted in July, after multiple packed meetings featuring impassioned commentary from the project's opponents and supporters.

Garrett's Space is led by Scott and Julie Halpert, whose son Garrett died by suicide in 2017, and the residential center of North Dixboro Road is intended as a space for short-term stays for young people involving support groups and activities like art, music, meditation and yoga.

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Stephen Postema, a lawyer representing the nonprofit, argued Wednesday the nearby property owners hadn't met the standard of "irreparable harm" necessary for the order they were requesting. The project includes a 58-acre conservation area that will serve as a buffer from neighbors, and, for context, the property would be one of the largest city parks in Ann Arbor if it were located there, he said.

Gregory Need, an attorney representing the property owners, said his clients had "many concerns" about the rezoning for Garrett's Space, but their immediate worry was a zoning and land use agreement approved by Superior Township allowing some township-authorized site clearing, entranceway improvements and preliminary steps for on-site water and sewer disposal — "tangible changes" to the property which couldn't be reversed, he said.

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Need contended the agreement was outside the bounds of what is permitted by township ordinances in advance of a site plan being reviewed and approved for a project, which has yet to happen.

The plaintiffs' "major argument" is the rezoning is inconsistent with the township master plan, Need said. In their lawsuit, the property owners say the zoning change for Garrett's Space is inconsistent with the "rural residential" surroundings and incompatible with the nearby neighborhood.

David Landry, an attorney representing Superior Township, argued on Wednesday that Garrett's Space would maintain the rural nature of the area, intending to provide young people a "serene, rural environment" as part of its programming.

The project moved through township review process exactly as the zoning ordinance outlines, he said, including multiple public hearings ahead of the rezoning being granted by the township board by a 5-2 vote on July 17.

There's more steps necessary before it can proceed, including a development agreement with the township, site plan review and review and approval by outside agencies like the Washtenaw County Road Commission and Health Department, Landry said.

"The township didn't just arbitrarily go, oh OK Garrett's Space you can build here," Landry said, adding the project had been reviewed by the township's planners for compatibility with the master plan.

Far more disruptive projects, like a wedding barn or 33-home development, could be built on the property, Landry said.

Need disputed that total, saying wetlands and slopes would likely limit the residential density that's possible on the land. The plaintiffs' own experts have identified "multiple areas" where the rezoning doesn't fit with the master plan, he said.

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That's a question that still may be decided as the lawsuit proceeds, but Kuhnke said Wednesday everything presented to her demonstrates the project falls with the zoning classification granted to Garrett's Space, the planned community designation, and what it is intended to do.

"It's the judgement of the leadership of Superior Township that the benefit of this development or project far outweighs any harm that could fall to a neighbor who might have a zoning interest or an interest in what is built next to them," Kuhnke said.

The risk of any harms to neighbors are greatly mitigated by the fact that the property owners have little likelihood of succeeding on the merits of their claims and the township is interested in doing what it can to address the mental health crisis "plaguing" youth in the community," Kuhnke said.

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Resources are available for those seeking mental health treatment and support. Anyone experiencing distress or thoughts of suicide can seek help from:

- The 24-hour [National Suicide Prevention Lifeline](#) by dialing 988
- The Ozone House, a 24-hour hotline for youth, at 734-662-2222
- The 24-hour hotline at University of Michigan Psychiatric Emergency Services at 734-936-5900
- The Washtenaw County Community Mental Health crisis team at 734-544-3050

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