

**State of Michigan
Circuit Court for Washtenaw County**

Preston Dyer, Joshua LeBaron, Kathryn
Elizabeth Haushalter, and Tammie
Bruneau,

Plaintiffs

v

Civil Action # 26-000187-CZ

Hon JUDGE JULIA B.

Date 1/20/2026

Saline Township, and Kelly Marion,
Defendants,

Oral argument requested

Counsel for Plaintiffs

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Complaint for Mandamus

I. Introduction, jurisdiction, and parties

1. The Court has jurisdiction for Mandamus under MCL 600.605 and MCR 3.305:

"To obtain the extraordinary remedy of a writ of mandamus, the plaintiff must

show that (1) the plaintiff has a clear, legal right to performance of the specific duty sought, (2) the defendant has a clear legal duty to perform, (3) the act is ministerial, and (4) no other adequate legal or equitable remedy exists that might achieve the same result. In relation to a request for mandamus, a clear, legal right is one clearly founded in, or granted by, law; a right which is inferable as a matter of law from uncontested facts regardless of the difficulty of the legal question to be decided."¹

2. Plaintiffs except for Joshua LeBaron are residents of Saline Township.

LeBaron is a resident of next-door Bridgewater Township. Both townships are in this county.

3. Defendant Saline Township is a municipal corporation in this county.

4. Defendant Kelly Marion is the Township Clerk.

5. This suit sounds in two Counts.

6. Count I concerns Saline Township's lawyer's refusal to allow the Chair of the Township's Zoning Board of Appeals ("ZBA") to perform a required duty to schedule a hearing to consider a ZBA appeal, filed over a month ago on December 17.

7. The subject of their Appeal was a permit issued for temporary structures and fencing for a Data Center, a project of Developer RD Michigan Property Owner I LLC (the "Developer"), a non-party in this suit, on land historically zoned as agricultural ("A-1").

8. Plaintiffs understand the Developer is an affiliate of Related Digital, a company based in New York, also a non-party in this suit. Unless informed otherwise

¹ *Citizens for Higgins Lake Legal Levels v Roscommon County Board of Commissioners*, 341 Mich App 161 (2022) (emphasis added).

Plaintiffs will refer to them collectively and individually as “the Developer.”

9. Count II concerns the Township Clerk's refusal – per instruction of the Township lawyer – though directed otherwise by the Township Board, to perform her duty to publish notice in a newspaper of general circulation of the Board's action of January 14, which regarded adoption of a rezoning amendment to the Official Zoning Map for the property at the Data Center.

II. The Developer's September suit against the Township which alleged the Township zoning ordinance was constitutionally exclusionary.

10. On July 10, 2025, the Developer applied to the Township for “Conditional Rezoning” to rezone the Developer's future property, from A-1 (“Agricultural”) to I-1 (“Industrial Research”), offering as one condition among others use of the property as a Data Center. The Application's proposed “Findings of Fact”² stated [emphasis added]:

A “data center” is a new form of land use that was not specifically considered or addressed in the Township's Master Plan or Zoning Ordinance.

...

As described in detail in response to item 1 above, the use is so new and unique there is really no zoning classification of property or master plan discussion in the Township or any surrounding or nearby community that specifically addresses the use.

...

As previously stated, data center operations are relatively new uses that are the product of the explosion in data use and data storage needs by all people and businesses throughout the country. Thus, these specific uses were simply not addressed or discussed in the Zoning Ordinance or Zoning Map.

2 Attachment 6.

...

[The use] is not a manufacturing or assembly use or other warehousing or trucking operation typically found in the industrial-research district.

11. The Zoning Ordinance (“ZO”) prohibits “Conditional Zoning.” Any application for a rezoning amendment to the Official Zoning Map that “includes proposed conditions or voluntary use or development limitations shall be returned to the applicant without Township review or consideration.”³

12. The Saline ZO is downloadable at https://salinetownship.org/go.php?id=604&table=page_uploads

13. Despite the ZO prohibition, on August, 2025, ⁴ the Township's Planning Consultant provided a written review of the Application, relying on the wrong ZO language. The review was titled “Conditional Rezoning Review for Saline Township.”⁴ He recommended that other Township officials also review it. Repeatingly citing an off-point section of the ZO (§ 12.04(E)), his review failed to inform the Board that ZO § 12.04(A) absolutely prohibited what the Developer was requesting.

14. On August 12 and September 10, 2025, the Township rejected the Developer's request.

15. On September 12, 2025, the Developer sued the Township alleging the ZO constituted unconstitutional exclusionary zoning which denies the Developer any

3 ZO § 12.04(A) (emphasis added).

4 Sometimes referred to as the “Carlisle Report.”

reasonable or economically viable use. Four paragraphs of the Complaint cited the discredited Planning Consultant's Report in support.⁵

16. On October 1, 2025, there was a Township Board meeting in which it considered settling the Developer's suit.

17. According to the minutes, which the Board subsequently approved, during a "closed meeting" the Board voted to "move forward with trying to settle the lawsuit." The Board did not vote, either then or at any other meeting, on approving precise language of a settlement. No precise settlement language was available to the public at the meeting.

18. The Township filed no Answer to the Developer suit.

19. The Court entered a Consent Judgment on October 15.

20. Included in the Judgment were ¶¶ 1(i), 1(r), 2, 3(b), and 18, which said in sum that:

- the Property is currently zoned A-1
- notwithstanding current or future zoning the property may be used for a Data Center,
- the Township has agreed that the property shall be zoned I-1 and the Township has approved the use and construction depicted in the Developer's site plan,
- notwithstanding the ZO the only uses on the property would exclusively be the Data Center and accessory uses, and such other uses which the Developer permits discretionarily,

5 Washtenaw Circuit Case # 2025-001577-CZ.

- to the extent that any terms of the Judgment are inconsistent with the ZO or other Township rules or procedures the Judgment controls.

21. The Judgment contained conditions:

- ¶ 1(r): During construction the Developer would meet regularly with a Township Committee which included the Township's discredited planning consultant.
- ¶ 4: The final site plan had to be approved by Township's discredited planning consultant.
- ¶ 2: The property's use would be as a Data Center.

22. On December 13, 2025, Plaintiff Haushalter moved in this Court to intervene as a co-defendant in the Developer's suit, and attached a proposed Answer. Her proposed Answer denied factually that the ZO constituted exclusionary zoning. She added that the Judgment served as a back-door workaround to avoid giving Township citizens a voice or a vote on the rezoning. She included a cross-complaint against the Township alleging a violation of the Open Meetings Act⁶ in light of the procedures of the Township vote on October 1. Though the parties have jointly moved to expedite briefing and a hearing on her motion, it remains pending.

23. Exclusionary zoning is a well-known legal concept. If Saline zoning actually were exclusionary, Township counsel would have recognized and had it corrected years ago.

24. In the above paragraphs and other paragraphs of the Judgment, there was no change in the actual wording of the ZO or any part of it, including the Official Zoning

6 MCL 15.261 et seq.

Map. The Official Zoning Map is the "final authority as to the current zoning status" of any parcel.⁷

25. In ¶ 18 the Judgment adds:

"To the extent this Consent Judgment is silent on issues regulated by Township Codes, then the Township Codes shall control to the extent they do not prevent or preclude or reduce the size or scope of the Project authorized herein"

26. If the Consent Judge were construed as itself amending the ZO (even though it was not published in a newspaper), it would be "void as against public policy," under the doctrine of *Inverness Mobile Home Community v Bedford Township*:

"The power to zone and rezone property is a legislative function. . . . [A] consent judgment entered for this purpose is construed as a contract. . . . However while a township board may, by contract, bind future boards in matters of a business or proprietary nature, a township board may not contract away its legislative powers."

...

"Thus, unlike the case of [*Green Oak Township v Green Oak MHC*, 255 Mich App 235 (2003)] in which the township board granted a use variance that neither resulted in a change in the zoning ordinance nor contemplated a future change in zoning, here the public is deprived of the avenues normally available to challenge the adoption of an amended zoning ordinance, including referendum."⁸

In other words, legislative functions are inalienable.⁹ See also:

'Municipal legislation may be enacted for the most part only by the representative legislative body of a municipal corporation or by exercise of the power of initiative or referendum, i. e., by direct vote of the electors. The initiative and referendum are recognized as instruments of democratic government, widely used

7 ZO § 2.102.

8 263 Mich App 241 (2004) (emphasis added).

9 MCL 125,3202(1).

and of great value. Where they are authorized for a municipal corporation, they are entitled to respect and should not be abridged by withdrawal from their processes of matter with which they are intended to deal.¹⁰

III. Subsequent events

27. On December 4 the Township Planner issued a zoning permit (also referred to as a “zoning compliance permit” or “certificate of zoning compliance”) to the Developer and its contractor for preliminary structures for the Data Center.

28. On December 17, Plaintiffs Dyer, LeBaron, and Haushalter, joined on December 25 by Yousef Rabhi, filed a Notice of Appeal with the ZBA regarding the permit of December 4, with copies to several Township officials..

29. In sum – assuming for purposes of the ZBA Appeal that the Consent Judgment were valid – the Appeal argued the Planner could not change the ZO, ignore any of its terms, or grant exceptions to it. Also it noted the Township Board had not changed or published a revised Official Zoning Map showing the Data Center property zoned I-1. Instead the Planner relied on an outdated Map. The Appeal urged that the December 4 permit be vacated as unlawful.

30. In ¶ 16 the Judgment states:

“If Developer fails to complete all other site improvements or abandons the Project, the Township may, in its discretion, use the Security to remove any improvements and restore the Property to its prior condition.”

31. ZO § 2.102 states:

10 *Stadle v Township of Battle Creek*, 346 Mich 64 (1956) (emphasis added); see also *Reva v Portage Township*, 356 Mich 381 (1959).

“No changes of any nature shall be made on the Official Zoning Map, except in conformity with the amendment procedures set forth in Section 12.04 (Amendments). The Official Zoning Map shall be kept in the office of the Township Clerk, and shall be the final authority as to the current zoning status of land, water areas, and structures in the Township.” [emphasis added]

32. At the Board meeting of January 14, 2026, as witnessed by Plaintiff Bruneau who was present and recorded and transcribed it, the Township Planner sitting at the front desk, introduced an agenda item:

This, also, the third item would be to update the [Official] Zoning Map to reflect the consent judgment. As everyone's aware, the Washtenaw County Circuit Court ordered the data center site to be rezoned I-1. And that it is zoned I-1. So this action would just update the Zoning Map to reflect that.

Nearly immediately, the Board moved, seconded, and passed the following three-part motion. (Two of the three parts concerned other properties “Angelina Farms” and “Riverside Lane” which are not involved with the Data Center.)

Okay, I'll make a motion to reaffirm the Board's July 2019 approval of the Angelina Farms to become a planned unit development, and then also the Board's April 9, 2025, approval of the rezoning 15 parcels along Macon Road and Riverside Lane from A1 to R3 and to rezone Related Digital Center properties from A-1 to I-1 as ordered by the Washtenaw County Circuit Court and to direct the township clerk to update the official zoning map and publish corresponding notice of adoption. [emphasis added]

33. The many members of the Public who spoke at the meeting, opposed the Consent Judgment, called for Referendum, and noted that the ZO prohibited Conditional Rezoning.

34. As seen, the motion to amend and publish the Notice of Adoption regarding two other properties – Angelina Farms and Riverside Lane – was combined with the

Developer's property in the same motion.

35. On January 21, 2026, Defendant Clerk Marion published a Notice regarding rezoning of Angelina Farms and Riverside Lane – but not rezoning of the Data Center – in the Township's paper of record, the *Sun Times News*. It stated: “The Official Zoning Map of Saline Township reflecting these amendments may be examined at the Saline Township hall.¹¹

36. Plaintiff Bruneau requested a copy of the Official Zoning Map, and the Clerk provided it.¹²

37. Voting on January 14, 2026, to adopt an amendment and publish rezonings to the Official Zoning Map was a legislative act which amended the Ordinance.

38. Newspaper publication sets the timetable for a Referendum on the amendment.¹³ These sections allow an elector such as Bruneau to file a “notice of intent to file a petition for referendum” during the 7 calendar days which follow publication, and for the collection of signatures during the 30 days which follow publication. During this period the amendment “shall not take effect.”

39. Bruneau and other individual electors did not sign onto and are not bound by the Consent Judgment.

40. Questioned by Bruneau why Clerk Marion did not cause publication in the *Sun Times News* about the Data Center property, and why the Official Zoning Map

11 Attachment 2.

12 Attachment 3.

13 MCL 125.3402(3) and ZO § 12.04(G)((2)

showed no change in the Data Center property, as the Board had “directed” her to on January 14, the Clerk answered “the notice will not mention RD per legal council [sic].”¹⁴ (emphasis added)

41. “Legal council” is not the Township Board. If the Clerk's answer to Bruneau were true, the counsel's directive was *ultra vires* and violated the MZEA¹⁵ as well as what he the lawyer stated repeatedly on January 14 and at other Board meetings concerning the Data Center, that he himself has played no role in the decision or implementation, and has given Board members no directive as to how they should vote or act.

42. Still, Plaintiffs have no explanation for the Clerk's failure to publish other than what she wrote that the lawyer had directed. Accordingly failure to publish violated the Clerk's clear legal duty.

43. Changing the zoning even of only a single property amounts to an amendment of the ZO, which according to the MZEA and the ZO itself can only be amended in the same manner as its initial adoption. Publication is an integral part of the amendment process; absent publication there has been no amendment.¹⁶

44. In a letter dated January 23, 2026, Bruneau and others filed a Notice of Intent with the Clerk for a Referendum petition, regarding the Zoning Ordinance

14 Attachment 4.

15 MCL 125.3401(7).

16 MCL 125.3202(5); ZO § 12.04(F).

amendment adopted on January 14 and published by the *Sun Times News* on January 21.¹⁷

45. Without publication in the *Sun Times News* of the change in the Data Center property, no period is set for the collection of signatures, and the Referendum process is stymied as to that part of the Board's action on January 14.

46. As seen above, the Consent Judgment is silent on the process for amending the ZO (including publication and Referendum). It is silent too on the Official Zoning Map, the “final authority as to the current zoning status” of any parcel.¹⁸

47. Publication of the entire Amendment on January 14 would set the starting date for collecting Referendum signatures. Refusal to publish the Official Zoning Map after January 14 precludes Referendum and disenfranchises voters. If the Clerk waits till 15 days go by after January 14 the Amendment as to the Data Center property simply expires. Under the ZO, amendment to conform to a court decree shall be adopted and published¹⁹

IV. Count I (against the Township)

48. Plaintiffs have been denied procedural due process, including “notice and an opportunity to be heard” prior to being deprived of property.²⁰ The property was the right to contest the permit of December 4. The opportunity should be provided by the

17 Attachment 5.

18 ZO § 2.102.

19 ZO § 12.04(H).

20 *Cary Investments LLC v. City of Mount Pleasant*, 342 Mich App 304 (2022).

ZBA but is being denied.

49. Count I might possibly be construed as arising under Superintending Control rather than Mandamus. But the two forms of action are “closely related” and it would “elevate form over substance” should Defendant argue for dismissal on the ground that Plaintiffs might have mis-labeled the action.²¹

50. Moreover, unlike the Plaintiff in *Choe*, these Plaintiffs have no “right of appeal” from the action of the individual ZBA Chair – as opposed to a decision of the ZBA itself²² – when she refuses to call a meeting.

51. The ZBA is to perform duties under the ZO and the Michigan Zoning Enabling Act (“MZEA”).²³

52. Though the gravamen of Count I concerns inaction of the ZBA and its Chairperson, per the Court Rules Plaintiffs have not named either the ZBA itself nor its chairperson as a Defendant.²⁴

53. ZBA meetings are held at the call of the Chair.²⁵ A concurring vote of a ZBA majority is necessary to make decisions.²⁶ The Township lawyer has no role other than – like the Appellants' agent – as an advocate for the Township Administration. As for the Developer, it would not be a party and would have no role other than in public

21 *Choe v Flint Charter Township*, 240 Mich App 662 (2000).

22 Cf MCL 125.3606; ZO §17.10.

23 MCL 125.3401 et seq.

24 MCR 7.122(C)(1)(b).

25 MCL 125.3602(1); ZO §17.03(2).

26 MCL 125.3603(2).

comment.

54. The ZBA “shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps. . . .” It “shall also hear and decide on matters referred to the zoning board of appeals. . . .” Also it “shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under this act.”²⁷

55. Further: “If the zoning board of appeals receives a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the zoning board of appeals shall conduct a public hearing on the request.”²⁸

56. Further: “Upon receipt of a complete and accurate application, a reasonable time and place shall be established for any public hearing required by or held under provisions of this Ordinance. . . . Such hearings shall be held in accordance with the Michigan Zoning Enabling Act”²⁹

57. The ZBA can decide appeals and review interpretations.³⁰

58. The MZEA places no restrictions on the jurisdiction of a ZBA.³¹ Likewise with one inapplicable exception³² the ZO places no restrictions on the jurisdiction of the

27 MCL 125.3603(1) (emphasis added).

28 MCL 125.3604(5) (emphasis added).

29 ZO § 12.03.

30 ZO §§ 17.04(B)(3)(a) and (b). and 17.06(A).

31 MCL 125.3601 et seq.

32 ZO § 17.11.

ZBA.

59. The ZBA is to “render all decisions within a reasonable time, not to exceed 90 calendar days from the filing date of a complete and accurate application.”³³

V. Township lawyer's objection to ZBA proceedings regarding the Data Center

60. On January 15, on behalf of the Township, with a cc to the ZBA Chair, a lawyer wrote appellants Dyer, LeBaron, and Haushalter, and their agent, asserting that the ZBA lacked jurisdiction to hear their appeal, despite there being no limitation on ZBA jurisdiction (as described above) under the MZEA or the ZO.³⁴

61. As noted above, Plaintiffs' Appeal implicates no jurisdictional issues. But even if jurisdiction were at issue, it would be up to the ZBA to address that in the first instance.

62. The ZBA itself was not a party to the Developer's suit, and did not join in the Consent Judgment.

63. With power to “reverse” Township officials,³⁵ the ZBA is a quasi-judicial entity separate from the Township itself. It is not a Township agent. The Township lawyer cannot represent or advise it, particularly on an appeal which seeks to overturn administrative Township action. If the ZBA would like to have counsel, it would have to be independent counsel.

64. The ZBA, though most or all of them are not lawyers, would be free if it

33 ZO § 17.03(4).

34 Attachment 1.

35 ZO § 17.05(B).

chose to adopt the *Inverness* view that the Consent Judgment violated public policy in disenfranchising Township residents, and therefore controls nothing.

65. If the Township lawyer actually did advise or represent the ZBA itself, that would pose a conflict, since the ZBA is being asked to reverse the Township's December 4 administrative action.

66. As noted the ZBA Chair's "clear legal duty" is to call meetings. Then as above noted the ZBA must issue a decision within 90 days. The Township lawyer's letter has caused the ZBA to waste time, and not much time is left. It has been over a month since December 17.

VI. Count II (against the Township and the Clerk)

67. Unlike Count I, Clerk Marion is a party to Count II.

68. The ZO allows exercise of timely Referendum rights.³⁶

69. Under mandamus, the Clerk must perform her "clear legal duty," to publish as the Board instructed her on January 14.³⁷

70. She had to do so in spite of what the lawyer told her. In refusal to do her legal duty the Clerk is acting *ultra vires*, depriving the electors of the right to Referendum.

71. Under *Inverness*, the effect ultimately of voter disapproval would likely be to void the Township's consent to the Consent Judgment of October 15, and return the

36 ZO § 12.04(G).

37 MCL 125.3401(7) and ZO § 12.04(F).

state of the Court's docket sheet on the Developer's suit to one single item, the Complaint. The Township would then be bound to file an answer, as would also Haushalter if the Court permits her to intervene.

VII. Conclusion

72. Wherefore Plaintiffs ask the Court to order mandamus relief that:
 - a. The ZBA Chair be ordered to promptly schedule a hearing where Appellants' Appeals and Interpretation Request may be heard,
 - b. Clerk Marion be ordered to promptly publish the entire amendment of January 14 (including rezoning of the Data Center parcels) in the *Sun Times News*, and notify Plaintiffs promptly this will be done, and
 - c. The Township be ordered to provide other relief the Court deems equitable.

Respectfully submitted,



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Dated: January 28, 2026

Attachment 1

Letter

David Landry to Appellants and Agent Kozma
January 15, 2026

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January 15, 2026

Via US Mail

Kathryn Haushalter
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Joshua Day LeBaron
9144 Willow Road
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Preston Dyer
11254 West Michigan Avenue
Saline, MI 48176

LuAnne Kozma
(via email only: luannekozma@gmail.com)

Re: Application to Saline Township Zoning Board of Appeals
Property Located at 11600 West Michigan Avenue, Saline, MI 48176
Tax ID Number R-18-19-100-002

Dear Applicants and Ms. Kozma:

I represent Saline Township. This letter is in response to your application to the Saline Township Zoning Board of Appeals dated December 17, 2025. Your application is denied as the Saline Township Zoning Board of Appeals does not have jurisdiction for the two “Appeals” from what you have termed the “administrative decisions” and moreover, the ZBA lacks jurisdiction to make the interpretation you request.

Your application states in pertinent part that “We are filing this ‘Notice of Appeal’ for two appeals we are taking from the administrative decisions . . . by Saline Township Planner Mike Auerbach: 1. Issuance of the ‘Zoning Compliance Permit’ or ‘Zoning Compliance Certificate’ also known as a ‘Zoning Permit’ on December 4, 2025 . . .” and “The Planner erroneously interpreted the official zoning map. . . for the parcel at 11600 West Michigan Avenue mistaking the A-1 zoning for I-1 zoning. . . and we are requesting

one Interpretation Request: 1. That the proper procedures to confirm the Ordinance (Zoning Map) with the court decree is to adopt an amendment for rezoning the parcels. . .” (See application page 2 of 16).

The Zoning Board of Appeals lacks jurisdiction to review the issuance of the Zoning Compliance Permit; to review the interpretation of the Zoning Map of the parcel in question; and lacks jurisdiction to interpret the procedures for amending the Zoning Map as they pertain to the parcel in question. All of these matters are controlled by the Consent Judgment entered by the Washtenaw County Circuit Court on October 15, 2023 and duly recorded with the Washtenaw County Register of Deeds on November 7, 2025. With that recording all are on notice of the terms of the Consent Judgment and uses allowable for the parcel in question “Notwithstanding the provisions of the Zoning Ordinance”.

The Consent Judgment begins with the phrase **“THE COURT HEREBY FINDS AND IT IS ORDERED AND ADJUDGED.”** Thus, the Consent Judgment is an order of the Court. The Consent Judgment also contains the following provisions:

¶ “1 (r). . . notwithstanding the current zoning or any future zoning of the property, the Property may be used or developed as provided in this Consent Judgment.”

¶ “2. . . The Township shall be deemed to have given its approval for Plaintiffs’ use, development, construction and operation of the Property for the Data Center as depicted on the Site Plan dated August 14, 2025. . .”

¶ “3(b). Notwithstanding the provisions of the Zoning Ordinance, the only uses permitted on the Property shall be the Data Center and any accessory uses thereto as provided in paragraph 2 of this Consent Judgment.”

Therefore, regardless of the terms of the Saline Township Zoning Ordinance, the use of the Property as a Data Center as set forth in the Site Plan, is approved. The Consent Judgment could not be clearer, *viz*, “Notwithstanding the provisions of the Zoning Ordinance” and “Notwithstanding the current zoning or any future zoning of the Property”. The allowable uses of the property in question are approved by the Consent Judgment regardless of the Zoning Ordinance. That includes the Zoning Ordinance provision section 12.04 (h). Thus, the Zoning Board of Appeals has no jurisdiction to interpret the Zoning Ordinance as it applies to the property in question. Likewise, the Township Planner has no discretion to “Interpret” the Zoning

Map or the Zoning Ordinance as it pertains to the parcel in question. The Zoning Map and the Zoning Ordinance do not control the parcel at 11600 West Michigan Avenue. The Consent Judgment does.

In addition, the Consent Judgment provides:

¶ “5. The Township authorizes Developer to commence certain development activities immediately upon entry of this Consent Judgment, including, without limitation, construction logistics activities, site clearing and grading, construction of temporary road improvements and construction traffic staging areas, and stormwater improvements.”

¶ “17. The parties, their agents, representatives, and employees shall cooperate in good faith with each other and their respective agents, successors, and assigns in order to carry out the development contemplated in this Consent Judgment, including, but not limited to, issuance of building permits, certificates of occupancy and other township permits and approvals in a timely manner and cooperating or assisting in Plaintiffs’ efforts to obtain any necessary approvals from other governmental or regulatory entities, such as permits, licenses or other approvals as necessary or convenient for the development and use of the Property and/or the Project in accordance with the terms and conditions of this Consent Judgment.”

¶ “25. All time periods set forth in this Consent Judgment are of the essence.”

¶ “18. . . To the extent that any specific terms or provisions of this Consent Judgment and/or any exhibits hereto, including the Site Plan, as approved administratively after review of the Township consultants per paragraph 4 of this Consent Judgment, are inconsistent with any of the provisions or requirements of the Zoning Ordinance, or the Township’s wetlands ordinance, woodlands ordinance, stormwater management ordinance, or other codes, ordinances, regulations, or procedures of the Township in effect at the time of further application or development (‘Township Codes’), the terms of this Consent Judgment and Site Plan shall control. . . subsequent enactments to, modifications of, or amendments to the Township’s Code shall apply to the Project to the extent they are not inconsistent with or do not vary the terms of this Consent Judgment.”

Therefore, what you term as an “Administrative” decision by the Township Planner to issue a Zoning Compliance Permit was not a decision that included any discretion on the part of the planner. He had no discretion. The issuance of the Zoning Compliance Permit was required. Likewise, the Zoning Board of Appeals has no jurisdiction to review or to reverse the issuance of that permit.

You will note that the Zoning Compliance Permit issued by Mr. Mike Auerbach on December 4, 2025, was for the initial construction management trailer, security office, two dumpsters and a temporary chain-link fence. Paragraph 5 of the Consent Judgment, quoted above, specifically authorizes the “Developer to commence certain development activities immediately upon entry of this Consent Judgment.”

Moreover, the December 4, 2025, letter of Mr. Mike Auerbach specifically states, “The applicant shall obtain all building/trades permits as required by the Washtenaw County Building Department prior to construction.” Thus, the ultimate issuance of building permits are to be issued by Washtenaw County not by Saline Township.

The Consent Judgment also provides as follows:

- ¶ “17. If either party has to seek judicial assistance to enforce the terms of this Consent Judgment, the prevailing party shall be entitled to recover its reasonable costs and attorneys’ fees incurred in pursuing and/or defending against such action.”
- ¶ “28. The Court shall retain jurisdiction on this matter in order to assure compliance with and enforcement of the terms and conditions of this Consent Judgment.”

The uses approved for the property in question are set forth and controlled by the Consent Judgment not by the Saline Township Zoning Ordinance. Any provision of the Zoning Ordinance which is contrary to the Consent Judgment is inapplicable. The Consent Judgment has been recorded with the Washtenaw County Register of Deeds, and everyone is on notice of its terms. Accordingly, the Zoning Board of Appeals has no jurisdiction to hear your “Appeal”.

Respectfully Submitted,

David B. Landry

Attorney for Township of Saline

Cc: Kelly Marion, Township Clerk via e-mail
Tim Malinczak, Chairman Zoning Board of Appeals via e-mail
Fred Lucas, Esq. via e-mail
Alan Greene, Esq. via e-mail

Attachment 2

Notice of Adoption

Sun Times News
January 21, 2026

SALINE TWP: NOTICE OF ADOPTION

Notice of Adoption Zoning Map Amendments Saline Township Washtenaw County, Michigan

Notice is hereby given that the Saline Township Board has reaffirmed the Board's July 8, 2019 approval to zone the Andelina Farms site condominium as a Planned Unit Development (PUD), and the Board's April 9, 2025 approval to rezone the following properties from A-1, Agriculture Conservation to R-3, Suburban Residential:

8784 MACON RD (R -18-01-300-001)	8877 MACON RD (R -18-01-400-015)
14 RIVERSIDE LN (R -18-01-300-007)	8877 MACON RD (R -18-01-400-016)
16 RIVERSIDE LN (R -18-01-300-008)	8877 MACON RD (R -18-01-400-017)
8763 MACON RD (R -18-01-400-008)	8877 MACON RD (R -18-01-400-018)
8793 MACON RD (R -18-01-400-011)	10 RIVERSIDE LN (R -18-01-400-019)
8811 MACON RD (R -18-01-400-012)	12 RIVERSIDE LN (R -18-01-400-020)
8827 MACON RD (R -18-01-400-013)	8779 MACON RD (R -18-01-410-001)
MACON RD (R -18-01-400-014)	

These amendments shall take effect upon the expiration of 7 days after this notice is published in a newspaper of general circulation in Saline Township. The Official Zoning Map of Saline Township reflecting these amendments may be examined at the Saline Township Hall, 5731 Braun Rd, Saline, MI 48176 by appointment by contacting the Saline Township Clerk, Kelly Marion, at 734-429-9968.

Published in The Sun Times News 1/21/26

Public Notice

Attachment 3

Official Zoning Map

2026

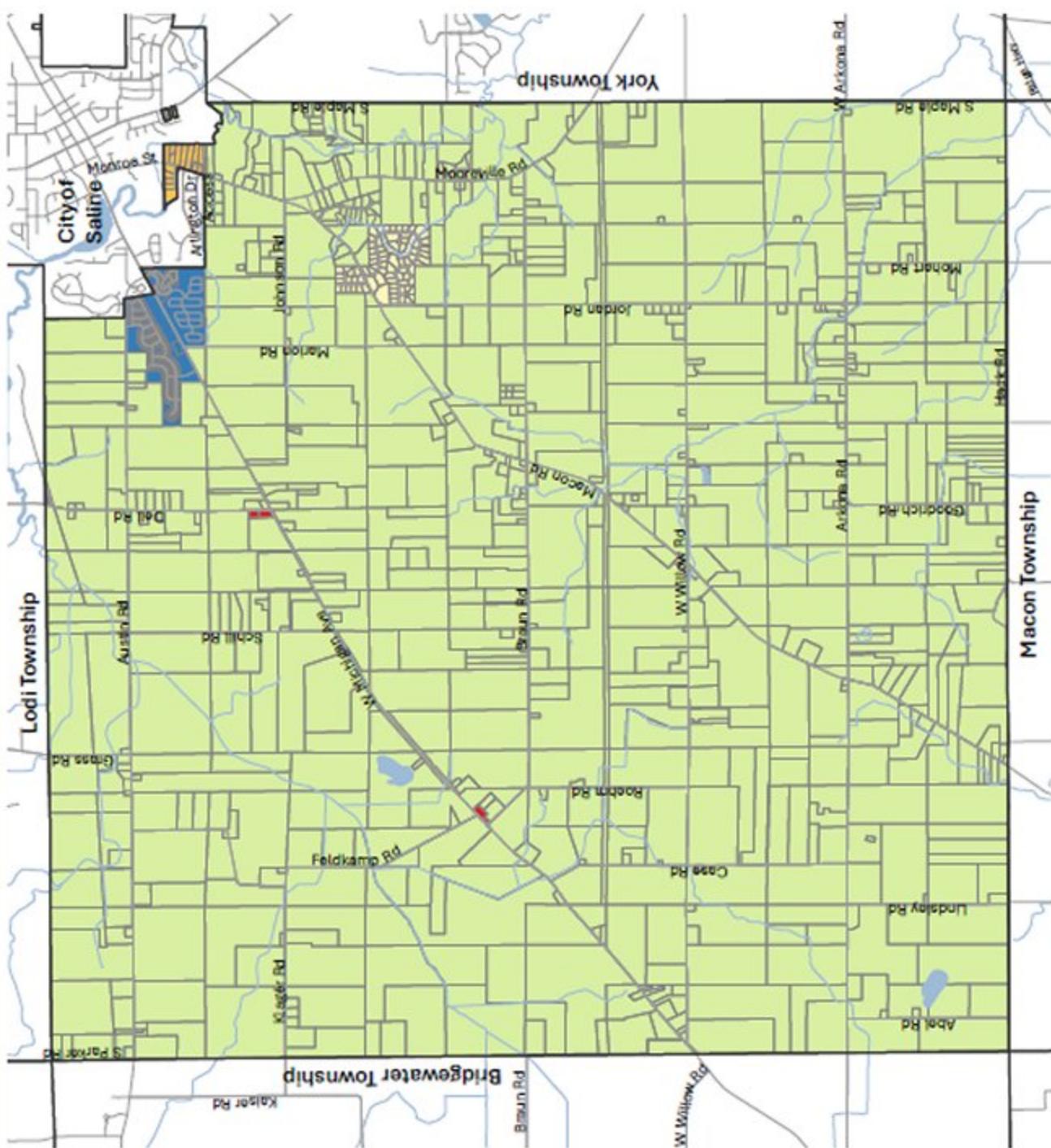
Zoning Map

Saline Township
Washtenaw County, Michigan



This is to certify that this is the Official Zoning Map of
Saline Township, Washtenaw County, Michigan,
as of _____ Date _____
Information, Surveying & Planning Department Date _____
Kathy Martin, Township Clerk Date _____

- Zoning District**
- A-1, Agricultural-Conservation
 - R-1, Estate Residential
 - R-3, Suburban Residential
 - PUD, Planned Unit Development
 - C-1, Local Commercial



Attachment 4

Email

Kelly Marion to Tammie Bruneau
January 19, 2026



Fw: Saline Township Paper of Record

Tammie Bruneau <tad@dundee.net>
To: "luannekozma@gmail.com" <luannekozma@gmail.com>

Mon, Jan 19, 2026 at 8:15 PM

Please see Kelly Marion's response to my email below.

Tammie

From: Kelly Marion <salinetownship@gmail.com>
Sent: Monday, January 19, 2026 5:05:31 PM
To: Tammie Bruneau
Cc: treasurersalinetwp@gmail.com; dean34744@gmail.com; hammondtom560@gmail.com
Subject: Re: Saline Township Paper of Record

The Sun Times News

Publication was requested for 1/21.

The notice will not mention RD per legal council.

Kelly Marion
Saline Township Clerk
734-216-6462

On Thu, Jan 15, 2026 at 9:50 PM Tammie Bruneau <tad@dundee.net> wrote:

Hello Kelly,

Can you please share the Saline Township newspaper of record with me?

I respectfully ask that you notify me when the corresponding notice of the Andelina Farms, Riverside Lane, Related Digital Center properties zoning adoptions and the map update from the Jan. 14 Board meeting are posted in the Saline Township paper of record.

Thank you,

Tammie Bruneau

Saline Township Resident

Attachment 5

Notice of Intent

Tammie Bruneau, Matthew McDonnell, Emily McDonnell

January 23, 2026

Notice of Intent to File Referendum Petition for Zoning Ordinance Amendment (MCL 125.3402)

January 23, 2026

Clerk Kelly Marion
Saline Township
5731 Braun Road
Saline MI 48176

And c/o 4254 Arkona Rd, Saline MI 48176

Re: Notice of Intent to File Petition Under MCL 125.3402

Dear Clerk Marion:

The undersigned, a registered elector residing in Saline Township, hereby gives notice of intent to file a referendum petition, pursuant to MCL 125.3402, regarding the Zoning Ordinance amendment adopted by the Township Board on January 14, 2026, and published on January 21, 2026. Attached is the published notice.

Sincerely yours,

Tammie A. Bruneau

Tammie A. Bruneau
Mailing: PO Box 485, Saline MI 48176
Residents: 5995 Willow Rd, Saline MI 48176

Matthew McDonnell

Emily McDonnell

Kelly Coleman