



45 Ottawa Avenue SW
Suite 1100
P.O. Box 306
Grand Rapids, MI 49501-0306



ROBERT W. O'BRIEN
Attorney

616.831.1783
616.988.1783 fax
obrienr@millerjohnson.com

November 26, 2024

SENT VIA E-MAIL

Mackinac Island Planning Commission
Attn: Chairperson Michael Straus
7358 Market Street
P.O. Box 455
Mackinac Island, MI 49757

Re: **C24-055/56-056 (H)**
Expansion & Renovation
Mister B's and Murdick's Fudge
7363 & 7367 Main Street
Mackinac Island, MI
Project No. 23022

Dear Planning Commission:

This law firm represents Trayser Properties, LLC ("Trayser") in connection with property owned at 7359 Main Street, Mackinac Island, Michigan 49757, commonly known as the Trading Post Building (the "Trading Post Building"). The Trading Post Building shares a wall the building currently located at 7363 Main Street, formerly known as the Murdick's Fudge Building (the "Shared Wall"). This correspondence is sent for the purpose of notifying you of Trayser's objections to any plan or project which includes the expansion, modification or alteration of the Shared Wall.

As set forth in the enclosed correspondence from Tiseo Architects, Inc., the drawings submitted for Mister B's and Murdick's Fudge Expansion & Renovation dated August 19, 2024, detail the expansion of the Murdick's Fudge Building and include a modification and expansion of the Shared Wall (the "Project"). Expanding, moving or otherwise modifying the shared wall without Trayser's prior written consent is a direct violation of Michigan law. Specifically, a party to a shared wall has no right expand, move or otherwise modify the shared wall without an express written agreement with the adjoining property owner. Specifically, any expansion or modification of the Shared Wall is an unauthorized physical intrusion and trespass interfering with Trayser's right to exclusive use of its property. Moreover, any alteration which expands the shared wall, undermines the existing wall, causes damage to the wall, or otherwise

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burdens the Trading Post Building without Trayser's prior consent is an illegal trespass. Accordingly, Trayser objects to the Project since approving the Project as proposed will result in a trespass.

Please contact me if you have any questions or wish to discuss this matter further.

Sincerely,

MILLER JOHNSON



By

Robert W. O'Brien

cc: Client



Tiseo Architects, Inc.

19815 Farmington Road
Livonia, Michigan
48152-1444

Phone: 248.888.1300
www.tiseo.com

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Dear Planning Commissioners,

At the request of Trayser Properties LLC the owner of the adjacent Trading Post building (containing Trading Post, May's Fudge & Baxter's Somewhere in Time Shop & Art Gallery, and the apartments above) I reviewed Richard Clements Architect, PLLC Drawings (A1.0, A1.4, A2.1, A2.2, A2.3 and S2.2) submitted for **Mister B's and Murdick's Fudge Expansion & Renovation** dated August 19, 2024.

I understand this construction project is now to be completed in different phases. Phase 1 is represented on the submitted drawings which reflect keeping the existing Murdick's Fudge single story storefront as-is and building a new building behind that storefront. Both buildings include a new Basement and First Floor at approximately 55 feet back from the current storefront. No future Construction Phasing Scope of Work is indicated on these drawings.

These revised drawings still do not address several objections we had regarding the currently shared building common walls along the adjoining property line.

1. Sheet A1.4, Phase 1 Basement Plan indicates the front 12'-1" common wall of the Trading Post & Murdick's is to remain. Since this wall is the Trading Post building wall there are no drawings indicating how the Murdick's Building will be separated by extending the required 2-hour fire rated wall to the street front. The drawings does not address the code requirement in Table 602 of the required 2-hour fire resistance wall.
2. Sheet S2.2, Phase 1 Section B-B is a transversal (side to side) Building Section of the new construction. That Section indicates, by error I believe, the new exterior 2-hour wall at the adjoining property line to be approximately 2 feet from the existing Trading Post exterior wall. If the drawing of this wall



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section is indeed correct, their new concrete foundation will be under the Trading Post Basement footing. The ability to provide a weather-resistant building (either building) as required in Section 1403.2, in my opinion would be impossible with a 2-foot gap between walls.

3. Also, on that same section, it indicates their new Basement CMU wall construction to be constructed with a concrete footing bottom approximately 8'-6" below their First Floor Level. That means that their new wall would be below the Trading Post existing Basement wall. Their drawings give no details or indication on how to shore up the Trading Post building to prevent the collapse of that building during the excavation for the new Murdick's Fudge building as required in Section 1604 of the Building Code.

Because the available drawings do not clearly indicate (or dimension) the relationship between the two buildings' basements or between the two foundations' bearing depths, or between the two buildings' exterior walls along the property line, it is exceedingly difficult to properly assess the level of potential hazard or damage being created at the Trading Post property directly resulting from the neighbor's proposed work.

Sincerely,

TISEO ARCHITECTS, INC.

A handwritten signature in green ink, appearing to read "B. Tiseo", is written over the company name.

Benedetto Tiseo, FAIA, NCARB
President
ben@tiseo.com

Cc. Devan Anderson, Robert O'Brien, Anthony Trayser

Attachment

