

INLAND TOWNSHIP PLANNING COMMISSION

REGULAR MEETING AGENDA

Monday May 19, 2025 6:00 PM

19668 Honor Hwy

Interlochen, MI 49643

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Input
5. Approval of Agenda
6. Approval of Minutes – April 21st meeting
7. Conflict of Interest
8. Public Hearing: Scott: Norris Special Use Permit 17426 Honor Hwy
Mallory Reader's Legal Feedback
9. Unfinished Business:
 1. Sara Kirk Master Plan Update
 2. Planning Education
10. New Business:
 1. Jim Brouwer Resignation
 2. Ted Nelson our new Trustee
 3. John Cranmer, potential Planning Commissioner
 4. There are potential of two more new Commissioners, I would like to see a new and Associate Commissioner at the June 16th meeting.
11. Public input
12. Any Other Items to come before the Commission
13. Adjourn

Public Input Rules

1. Any person wishing to address the Commission may do so onetime per public input period.
2. While not required, please provide your name and address for the record.
3. The amount of time each person is allowed for public comment shall not exceed 3 minutes.
4. This is an "input" option: The members may not comment or respond to presenters. Silence or non-response from the Commission should not be interpreted as disinterest or disagreement by the Commission. Comments shall be addressed directly to the Commission not to a specific individual on the Commission or others in the audience.

INLAND TOWNSHIP
PLANNING COMMISSION MINUTES
*draft*Regular meeting April 21, 2025
19668 Honor Hwy, Interlochen, MI 49643

Call to Order by James Clark at 6:00pm

Pledge was recited

Roll call: Present – Brouwer, Clark, Truax, O'Connor, Zielinski

Public Input - Inland Township Clerk Rose shared information about the upcoming Citizen Planner Training, encouraging committee members to consider participating. Closed at 6:02pm

Agenda - Clark moved to approve the agenda as proposed, seconded by Truax. Motion carried, with the addition of Nathaniel Feldpaulch under New Business for a new land use permit discussion. Ayes - Brouwer, Clark, Truax, O'Connor Motion carried

Previous minutes – Brouwer move to approve the agenda as proposed, 2nd by Clark

Unfinished Business

A public hearing regarding the Special Use Permit application submitted by Scott Norris for the property located at 17426 Honor Hwy will be held during the May meeting. Secretary O'Connor will send a notification letter to all property owners within 500 feet of the parcel in advance of the hearing.

Master Plan with Sara Kirk - Brouwer is reviewing the questionnaire with Sarah as the first step of the Township Master Plan.

New Business

Nathaniel Feldpaulch inquired about a land use permit for an existing barn, which includes office and kitchen construction.

Clark move to approve the request, 2nd by Brouwer Ayes - Brouwer, Clark, Truax, O'Connor.

Any Other Items to come before the Commission - The Finance Committee Chair attended the meeting and expressed interest in collaborating with the Planning Commission and offering support.

Public Input - A resident inquired about obtaining a variance for the 200-foot frontage requirement to separate his parcel and give 2.5 acres to his son, who wants to build a home. He was advised to speak with the zoning administrator and explore options that align with the township ordinance. Closed at 6:28pm.

Adjourn – Move to adjourn by Brouwer, 2nd by Clark

Meeting adjourned at 6:30 p.m.

Inland Township
Benzie County
19668 Honor Hwy
Interlochen, MI 49643
(231)383-1229

Application for Special Use Permit

In addition to a completed application and fee, a site plan meeting the requirements of Section 13.4.B shall be submitted.

Property Information

Address: 17426 Honor Hwy., Interlochen MI

Parcel Number: 10-08-009 - 009 - 10 Current Zoning: Commercial/R21

Proposed Use: Contractor Yard

Project Name: Scott Norr3 Construction

Owner Information

Name: Scott Norr3 Phone Number: 231-218-6849

Address: 5111 Cedar Run Rd. Traverse City, MI 49684

Applicant Information (if different)

Name: _____ Phone Number: _____

Address: _____

Affidavit:

I hereby depose and say, under penalties of perjury, that all of the statements and/or information contained herein or submitted with this application are true. If any statements and/or information are found at a later date to be false, this permit shall become null and void. In signing this application, I am permitting a representative of the Township to do an on-site inspection(s) as necessary.

[Signature] 12/30/24
Owner Signature (Required) Date

[Signature] 12/30/24
Applicant Signature Date

Date 2.3.2025 **From:** Scott Norris. **Address:** 5111 Cedar Run Rd. Traverse City MI 49684

RE: Response to letter from James R Clark dated January 28, 2025

James,

Thank you for reaching out to me with regard to my application for a Special Land use Permit on Parcel 10-08-009-009-10.

I dropped my application off to your zoning administrator on January 13th. I will include that complete application with this letter for your review. There were a couple of statements in your letter that do not accurately reflect my application request.

1. I am not requesting a Zoning change. The property is Zoned Commercial (please see documentation in the application packet) and I am not asking that to be changed.
2. I am not planning any activity near Stanley Creek.

My application for a special use permit reflects my plan to use the property exactly as it has been used for the past 40+ years; a mobile home park and contractor's yard.

I appreciate and share your concern about protecting our watershed. To that end I set up a meeting with EGLE to take a look at the embankment that has been used to cross Stanley Creek. He did not express any concerns but only noted that there was no permit needed to continue using the existing road to cross the creek with vehicular traffic. His letter is included with my application. I also hired a civil engineer to make an inspection of the road and berm where it crosses the creek, asking him to give me a professional assessment of any potential risk to the creek. He deemed the embankment solid and safe for vehicular use, posing no risk to the creek. His letter is also included in this packet.

That said I am not asking for any new construction to happen anywhere on the property on either side of the creek. In my first application I mistakenly referred to the area north of the creek as a gravel pit. I neither need nor want to process aggregate. That is why I withdrew my original application. My request is simply to be able to use the property as a "contractor's yard" i.e. storing and maintaining construction equipment and materials.

Again, the special use permit, if granted, will affect no change to property as it has been used for the past 40 years.

If you see that my application is all in order, I would be delighted to be included on your February 17th meeting.

Sincerely,



Scott Norris

Ph: 231 218-6849. **Email:** Norris.scottk@gmail.com

Inland TWP special use permit application

General background on the property.

Up until the 1940s there was a grocery store/gas station on the property. For the last 45+ years the property has been used by Mr. Gokey as a mobile home park, and related construction operation. The applicant purchased the property and plans to continue the uses Mr. Gokey established.

General property description: The property features two shops. One 40x70 with five large overhead doors that was used to store and maintain equipment, vehicles, and to store construction supplies and tools.



It contained misc. lumber, survey equipment, construction tools, and tool storage shelves.

The smaller 30x50 shop was used to maintain and repair vehicles. It is equipped with a hardline compressor, work benches and tool storage shelves.



The main residence immediately behind the two shops has a 16 x 32 office

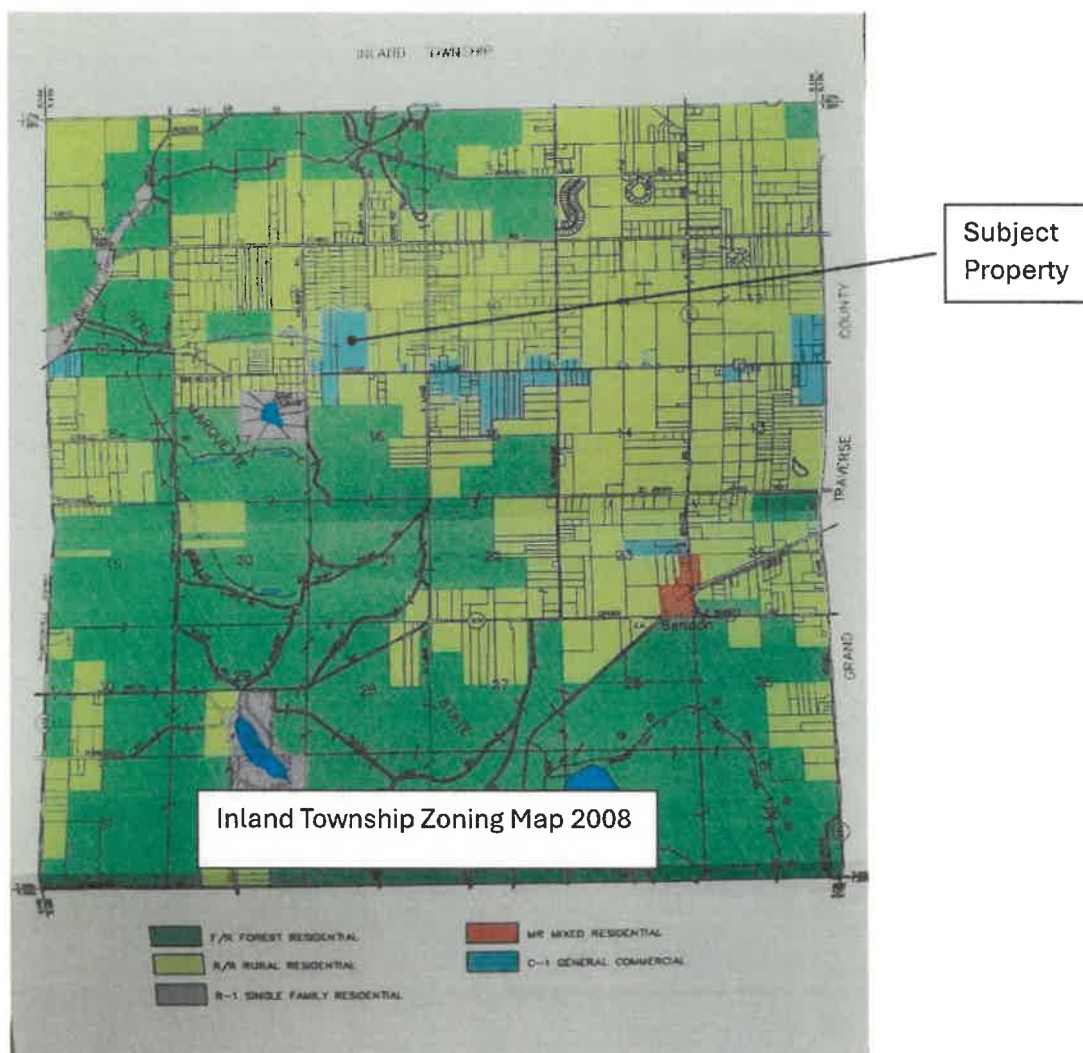


Office interior at purchase

There are signs on the outside of the residence directing customers to the office where Mr. Gokey presumably received customers. The property also has eight Mobile home lots.

Zoning history: The earliest zoning designation we can find on this property is from 1980. When Mr. Gokey applied for a special use permit for the Mobile home park on December 5th, 1980, the zoning classification was designated "Commercial" on the application. That application was signed by the TWP supervisor Barbara Dow, TWP Zoning Administrator Wesley Wilson, and the TWP Clerk Linda Wilson.

In 2008, when the inland TWP and Homestead TWP were combined, the Zoning map also identified this parcel as Commercial



Finally, the current TWP zoning map included on page one of the TWP zoning ordinance that was adopted in 2020 also shows this property being zoned commercial. For reasons unknown to the applicant, the property is currently on the tax role as R1. There is no evidence of the property ever being rezoned to R1 from Commercial so the applicant presumes the R1 designation is for tax purposes reflecting the residential nature of the trailer park.

TOWNSHIP OF INLAND, BENZIE COUNTY, MICHIGAN

APPLICATION FOR
SPECIAL LAND USE PERMIT

Type or Print Clearly:

I (We) the undersigned, request a hearing before the Inland Township Board in regards to action on the following described property:

Location: North Star Mobile Home Park Rt. 1 U.S. 31 Interlochen

Zoning District Classification: Commercial

PROVISION(S) OF THE ZONING ORDINANCE INVOLVED (Indicate the article, Section, Subsection and Paragraph from the Zoning Ordinance. DO NOT QUOTE THE ORDINANCE.) 3.06 - Minimum Size Dwellings

The request is made herewith for a Special Land Use Permit, For the following reasons: To allow mobile homes with less than 600 square

feet of floor area to be placed in the Mobile Home Park

Date: 12-5-80

Applicant: Wally W. Wilson

Zoning Administrator: Wally W. Wilson

FOR TOWNSHIP BOARD USE ONLY

At a meeting of the Inland Township Board on Dec. 8, 1980, the above described application was considered and it was determined that a Special Land Use Permit would be: ☒ Granted ☐ Denied
() Granted as a temporary use permit for a period of _____
For The Following Reasons: _____

Exact Provision(s) Allowed (If Any): To allow mobile homes with 500 square feet of floor area to be placed into a licensed mobile home park only.
The maximum number of people to live within 500 square feet to be 3.
The maximum number of people to live within 550 square feet to be 4.
No home built add-ons allowed, only factory built.

SUPERVISOR: Wally W. Wilson

CLERK: Linda Wilson

mobile home park, by issuing a special use permit for these uses that have been proved and condoned by the TWP on this property without objection from the TWP at any time.

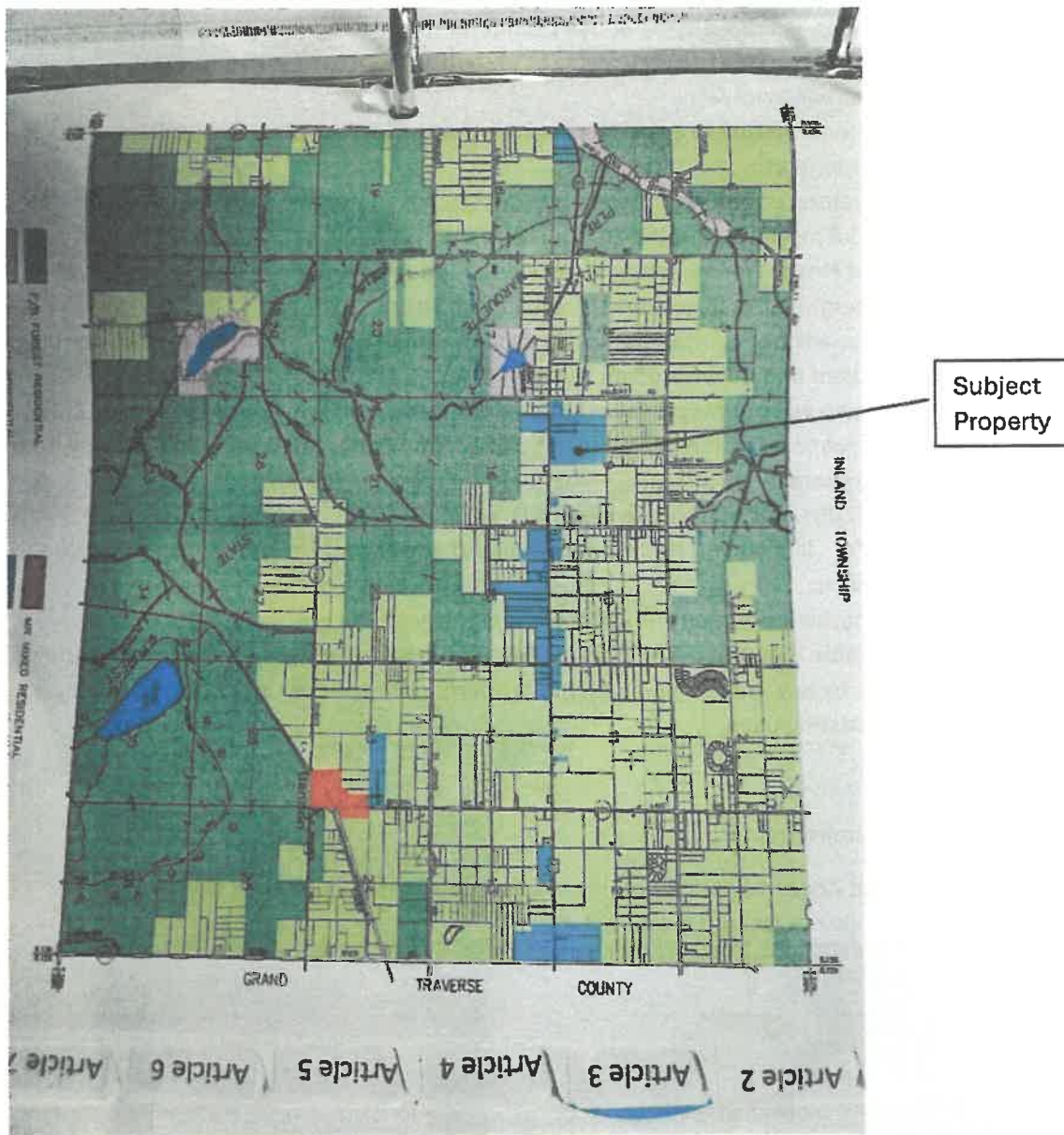
- C. The proposed uses will involve:
 - 1. Parking equipment relating to Scott Norris Construction on the property (trailers, trucks, excavation equipment, etc.
 - 2. Storing and repairing equipment owned by Scott Norris in the two shop buildings on the south portion of the property fronting Honor HWY.
 - 3. Placing a "Scott Norris Construction Yard" sign at the entrance.
 - 4. Maintaining/operating the (8) existing Mobile home sites.
- D. The proposed uses will be maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
- E. The special land use will not place any additional demands on Fire, Police or other public resources as the property as the permit is not allowing any new use that hasn't already been in place for many years.
- F. The property has 300+ feet of frontage on Honer HWY, a class A state HWY. It is served by its own water and sewer system and refuse collection and disposal services.
- G. The special use permit complies with all the special standards required under the ordinance applicable to it, the overarching standard being these uses all predate the zoning ordinance so are, by law, transferred with the property. The special use permit is simply recognizing the existing uses.

Section 13.4 Site pan Requirements

- 1. A driveway permit does not need to be issued as a commercial entrance is already in existence and does not require modification.



- 2. The buildings are already existing on the property



Section 12.4 Standards of Decision (for Special use Permits)

- A. According to the TWP official zoning map and past permits issued, the property is zoned commercial. A Contractor's Yard is an allowed use in the commercial district. Regardless of zoning, the applicant is asking to continue the use established by Mr. Gokey and historically allowed by the TWP on this property.
- B. The proposed use of the property is no different than how it has been used up until its recent purchase. The applicant is asking the TWP to officially recognize the uses that are, by Michigan zoning law, grandfathered with the property, i.e. construction operation, and



3. The natural features of the property will be retained as is.
4. We are not proposing any screening or additional landscaping
5. N/A
6. All the existing buildings are accessible by emergency vehicles.
7. The use of the land is not changing at all from how it has been used in the past so it, by definition:
 - a. encourages the use of the lands in accordance with their character and adaptability,
 - b. avoids overcrowding of population,
 - c. creates no new congestion on public roads and streets,
 - d. places no additional burden on systems of transportation, site disposal, safe and adequate water supply, education, recreation, and other public requirements,
 - e. requires no expenditure of public funds,
 - f. and has no impact on property values and natural resources.
 - g. Finally the property use meets to TWP overall future plan to utilize the Honor HWY corridor for commercial uses. This is demonstrated by the multiple commercial properties both East and West and directly across the street from this parcel on Honor HWY.
8. There is no new construction being proposed so there is no need for plans to handle any newly created stormwater discharge.

Applicant: Scott Norris

Owner of Scott Norris Construction
5111 Cedar Run Rd.
Traverse City MI, 49484

Phone: (231)218-6849
Email: norris.scottk@gmail.com

OUTLINE AND MI CASE LAW RE. NONCONFORMING USES

A nonconforming use is a use that was legal at the time it was created but which has since become impermissible because of a subsequent modification or adoption of a zoning ordinance. This is sometimes referred to as a “grandparented” use meaning that it was a use which was allowed before the law was changed to prohibit it. For example, a two-family home may be built and utilized in a multiple family area which is subsequently rezoned to single family. Another example would be a restaurant built in an area that was not zoned at all but subsequently became zoned for residential uses. In either instance, the use can continue as is. *Eveline Twp v H & D Trucking*, 181 Mich App 25 (1989).

There is case law which suggests that an ordinance which required the immediate elimination of a nonconforming use would be an unconstitutional deprivation of property without compensation (i.e. a “taking”). *Austin v Older*, 283 Mich 667 (1938). In addition, the various Michigan Zoning Enabling Acts are arguably not broad enough to support an ordinance which would require the immediate elimination of a nonconforming use. There are three Zoning and Enabling Acts in Michigan which apply to the area of nonconforming uses:

- (a) The City or Village Zoning Act, MCL 125.583(a).
- (b) The Township Rural Zoning Act, MCL 125.286.
- (c) The County Rural Zoning Enabling Act, MCL 125.216.

All of these statutes provide for the regulation by ordinance of nonconforming uses. **They authorize the elimination of nonconforming uses only through voluntary purchase or condemnation proceedings.**

Nonconforming uses run with the land. The sale or lease of property to another party that continues the same use does not extinguish the right to use the property for the nonconforming use. *Civic Assoc v Horowitz*, 318 Mich 333 (1947).

However, nonconforming uses are not transferable to another location. *Gackler Land Co v Yankee Springs Twp*, 138 Mich App 1 (1984); affirmed, 427 Mich 562 (1986).

In order to obtain a vested interest, the use must have been legal before it was made nonconforming. The term “nonconforming use” is shorthand for “vested lawful prior nonconforming use.” An illegal use cannot obtain status as a nonconforming use. *Wyoming v Herwever*, 321 Mich 611 (1948).

Abandonment or Discontinuance.

Ordinances will often provide that a nonconforming use cannot be resumed after discontinuance or abandonment. Sometimes a specific time frame is provided by ordinance. Courts are often reluctant to enforce such provisions, however. Even when the time frame contained in the ordinance to evidence discontinuance has been exceeded by several months, courts will generally require some proof of affirmative interest to abandon the nonconforming use before holding that the use cannot be resumed. Case law dictates that it is necessary to show more than mere “nonuser”.

The burden is on the municipality to show abandonment. Rudnik v Mayers, 387 Mich 379 (1972); Dusdal v Warren, 387 Mich 354 (1972).

This puts a substantial burden upon the municipality because it may be difficult to show in many instances that the property owner clearly intended to abandon the nonconforming use unless there has been a substantial physical alteration which would signal an end to the use.

The case law in this area will be frustrating to the municipality. If the nonconforming use has existed for many years, there may be numerous activities which would be considered nonconforming. Arguably, a property owner may revive any of these activities at any time if he or she has not clearly manifested a voluntary decision to abandon the use. Barring substantial physical changes to the property, the ability to show an intention to abandon may be extremely difficult.

As such, it is not uncommon for a municipality to rely upon the time frames contained in the municipality’s ordinance as an indication of intent to abandon. This may well result in a court action to determine whether the nonconforming use has actually been abandoned so that it can no longer be revived.

***There is no indication of a specific time frame relating to abandonment of a nonconforming use anywhere that I see in the Inland Twp. Zoning Ordinance.**

In fact, there isn’t much discussion regarding nonconforming uses at all. Most of the text simply describes the process for establishing a Class A nonconforming use- spelled out in section 3.3.

Additionally, while the Twp. has the burden to show abandonment, I can find no case law indicating that a previous owner’s death would in any way constitute abandonment for purposes of discontinuing a nonconforming use.

This was a typical arm’s-length sale of property from an estate to a buyer. Any temporary discontinued use is to be expected due to the death of the previous owner and the subsequent claims period/probate of the estate, and sale of the property. The subsequent owner now wants to continue the nonconforming use. Again, a nonconforming use runs with the land. The sale or lease of property to another party that continues the same use does not extinguish the right to use the property for the nonconforming use. Civic Assoc v Horowitz, 318 Mich 333 (1947).

Justin Gray - 947-7160
Justin@graylawtc.com

Sorenson Engineering, LLC

10448 Deerpath N.
Traverse City, MI 49685
802.318.6933
jsorenson802@gmail.com

17th January 2025

Mr. Scott Norris
5111 Cedar Run
Traverse City, MI 49684

Private Stream Crossing Analysis

17426 US-31
Interlochen, MI 49643
Inland Township

Dear Mr. Norris:

On January 17th, Sorenson Engineering inspected the private stream crossing serving the address noted above. Stanley Creek was impounded on the property by an earthen dam sometime during the 1970's to create a decent sized fishing pond. The impoundment served to hold a significant volume of pond water in place for several decades. This earthen impoundment consists of a basal width of approximately 65' and a 18'-20' horizontal top width. From each side of the impoundment's top sides, the banks drop approximately 6 vertical feet at a 3:1 slope until they meet the adjacent existing grades. These banks are fully established, vegetated, and appear to have been this way for many decades. At its central base is a 20" diameter CMP culvert with a concrete inlet control structure. The concrete inlet control structure allowed for wood boards to be placed so as to create the desired pond depth. The concrete control structure is no longer used to create a pond. The culvert and inlet control structure do not present any cause for concern.

For many decades, a well-established gravel access drive across the impoundment has served to provide the property owner access to their acreage on the other side of the stream. It is clear to me that this drive has been used for a very long time by all manner of large equipment and vehicles.

It is our opinion that the well-established stream crossing serving the property is not in a deleterious state and does not pose an environmental threat to Stanley Creek and its associated watershed. Similar and continued use of this crossing is justified and prudent.

Please let us know if we can be of further assistance.

Sincerely,



Justin Sorenson, P.E.





GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION



PHILLIP D. ROOS
DIRECTOR

January 13, 2025

VIA E-MAIL

Scott Norris
5111 Cedar Run Road
Traverse City, Michigan 49684

Dear Scott Norris:

SUBJECT: Preapplication Meeting
Site Name: 10-17426 Honor Hwy-Interlochen
Submission Number: HQ8-YSGV-JY363
T26N, R16W, Section 09, Interlochen, Benzie County

This letter is a follow up to our January 10, 2025, preapplication meeting regarding the proposed project in Interlochen, Benzie County. The purpose of a preapplication meeting is to provide you with information that will clarify the permit process, answer preliminary questions about your specific project in order to avoid delays at a later date, and to determine, if possible, the need for wetland or inland lakes and streams permits.

During this meeting, we reviewed the need to obtain a permit under Part 301, Inland Lakes and Streams; and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The review was based on discussion of the proposed project and/or draft permit application, the proposed site, and potential modifications to the project discussed during our meeting.

During the review of the project site, the Michigan Department of Environment, Great Lakes, and Energy's (EGLE) Water Resources Division (WRD) made the following findings regarding the need for a permit under Part 301 and Part 303 of the NREPA:

- ☐ A permit is required for the project as proposed.
- ☒ A permit is not required for the project as proposed.
- ☐ It cannot be determined whether a permit is required given the information presented at this time.

This determination is based on the project plan to utilize the existing crossing of the stream for equipment crossing along with other information provided at the time of this meeting only. Provided that the proposed project and location are not altered, this determination is binding on EGLE for a period of two years from the date of this meeting.

During the meeting, we also discussed a number of issues related to the project, including the following:

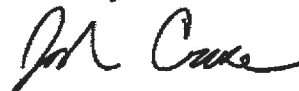
- Information on completing an application form. Please submit the Joint Permit Application (JPA) using the same MiEnviro Portal site as was used for this preapplication meeting request.
- If replacement of the culvert is necessary in the future, an EGLE permit would be required, and the new culvert should match existing stream bed grades and be bankfull width.

Please note that this is not a permit. The WRD cannot indicate during a preapplication meeting whether or not a permit will be issued. The WRD cannot make a decision regarding a permit until it has considered all of the information provided in the final permit application, and, in some instances, has also considered comments received in response to a public notice of the project. Therefore, the WRD cannot legally tell you whether the project will be permitted in advance of a permit application being submitted and reviewed.

The EGLE submission number assigned to this project is HQ8-YSGV-JY363. Please keep a record of this submission number and use it when submitting a final application or otherwise corresponding with our office on this project.

We appreciate the opportunity to meet with you or your representative to address these concerns. We have established a submission for this project, and the information submitted to date will be used to facilitate processing of the final application. If you should have follow-up questions before then, please contact me at Joshua Crane; CraneJ3@Michigan.gov; 231-577-8112; or EGLE, CDO-WRD, P.O. Box 30458, Lansing, Michigan 48909-7958.

Sincerely,



Joshua Crane
Cadillac District Office
Water Resources Division

jc/sh

cc: Inland Township Clerk
Benzie County Clerk
Benzie CEA