

Milton planners deny Torch River RV park

By Jordan Travis jtravis@record-eagle.com Feb 14, 2022



This site near Torch Lake in Milton Township's unincorporated Torch River village of a proposed luxury RV park.

Record-Eagle file photo/Andrew Rosenthal

TORCH RIVER — Milton Township planning commissioners again rejected plans for an RV park in Torch River, finding it didn't meet zoning requirements to alter a site as little as possible.

Planning commissioners reached what under township ordinance is a final decision that can be appealed in court, board Chairman Bill Hefferan said. He didn't believe the plans from applicants Jim and Lori Brewer could meet the requirement, even after he supported adding RV parks to the ordinance in 2019.

That's in large part because part of the site has already been altered considerably, Hefferan said.

"I read the ordinance that it's on the applicant to dialog and communicate with the planning commission prior to the alterations being done," he said.

Had the Brewers applied before making those changes, Hefferan believes the alterations would have been moot, he said.

"So they come to us with this plan for an RV park with the site still entirely forested and not altered? This is hypothetical ... but it would've eliminated my largest concern," he said.

It's good news for Torch Elk Skegemog Alliance board member Mac Whitehouse, who praised the decision as thorough. The nonprofit and dozens of residents opposed the application, the second for the site, over concerns about noise, traffic and environmental impacts like runoff and septage contaminating nearby wells and wetlands.

Whitehouse said the opposition was never about denying the Brewers their rights to develop the property.

"All TESA asks is that the proper procedures be followed, the proper permits be in place and that attention be paid to the environmental impacts of any development," he said.

But the move was a frustrating one to Don Passenger, an attorney who along with Andrew Blodgett is representing the Brewers' challenge against the planning commission rejecting their first request. He said he's still waiting to see the township's official findings of fact and determination.

Passenger pointed to the township recently adding an RV park like the one the Brewers planned to the zoning ordinance as an allowable use in the village's zoning district. He didn't accept the explanation that the plans altered the site too much to meet zoning ordinances.

“This is a village-zoned property, period, and village-zoned is supposed to be the highest density uses within the village,” he said. “They could’ve not zoned the property village if they chose to do so. They didn’t, they zoned it village and said this is an appropriate use for it.”

Plans called for 70 sites — 80 in the first application — that each would be leased to the same visitor all season, as previously reported. It’s set for a 10-acre site between Torch River and Miller roads.

Passenger said the plans comply with township zoning despite the planning commission’s vote to the contrary. And they’re plans in which the Brewers have tied their retirement savings.

The proposals have been the subject of considerable contention in Torch River and three battles in court, including the previously referenced appeal.

Neighbor Terry Roote said a jury recently found in his favor in 13th Circuit Court, but he wasn’t celebrating on Friday. Roote sued after heavy rains sent silt flowing from the cleared site where the Brewers hoped to build and onto Roote’s lawn, destroying tens of thousands of dollars in landscaping and hurting his bed-and-breakfast business.

He contended the Brewers should pay for damages amounting to about \$140,000 but the jury awarded \$20,000, he said.

The stress of the three-day trial was bad for his health, he said — he’s a Torch Elk Skegemog Alliance member but resented the way that came up in court, he said.

“They tried to make me into the bad guy, which is unbelievable,” he said.

A message left for William Paul Slough, an attorney for the Brewers for the lawsuit, wasn’t returned Friday.

Another lawsuit brought by Torch Elk Skegemog Alliance against the Brewers and Antrim Conservation District, which manages soil erosion control for Antrim County, has a non-jury trial set for May 31 and June 1, court records show.

The nonprofit filed suit after the Brewers broke ground without a special land use permit, as previously reported.