

STATE OF MICHIGAN
COURT OF APPEALS

LEONI TOWNSHIP,

Plaintiff-Appellee,

v

DANNY GEORGE,

Defendant-Appellant.

UNPUBLISHED

May 22, 2003

No. 237388

Jackson Circuit Court

LC No. 00-000012-CZ

Before: Whitbeck, C.J., and White and Donofrio, JJ.

MEMORANDUM.

Defendant appeals as of right from an order that was issued following a bench trial, which directed defendant to discontinue a nonconforming use and remove vehicles and other items from his property. We affirm.

Defendant used his property primarily for the storage and crushing of a large number of cars. His father had previously operated a service station on the premises, and incidental to this business, he sold used automobile parts. When a 1963 zoning ordinance rezoned the parcel for suburban residential use, a maximum of thirty-two cars would have been on the site for car parts. The trial court found that defendant had expanded the size and nature of the use by his father at the time that the property became a nonconforming use. The court ordered that the nonconforming use be stopped, and that the vehicles and other items be removed from the premises.

Defendant accepts the trial court's findings. However, he argues that the trial court should have allowed the nonconforming use to continue to the extent it existed when the zoning ordinance was passed in 1963. Specifically, he maintains that he should be permitted to have up to thirty-two vehicles stored on the property. However, "[w]hen a change in the nonconforming use is contemplated, the authorities may take advantage of that fact to compel a lessening *or complete suppression* of the nonconformity." *Nat'l Boatland, Inc v Farmington Hills Zoning Bd of Appeals*, 146 Mich App 380, 386; 380 NW2d 472 (1985) (emphasis added), citing *Austin v Older*, 283 Mich 667, 675-676; 278 NW 727 (1938). See also *Troy v Aslanian*, 170 Mich App 523, 528-529; 428 NW2d 703 (1988). Accordingly, the trial court acted within its authority in ordering that the nonconforming use be discontinued.

Affirmed.

/s/ William C. Whitbeck
/s/ Helene N. White
/s/ Pat M. Donofrio