

Approved 1/25/17

SPECIAL MEETING OF CASCO TOWNSHIP PLANNING COMMISSION  
TO DISCUSS THE RENTAL ISSUE  
January 11, 2017 6 PM

**Members Present:** Chairman Dan Fleming, Dave Campbell, Dian Liepe, Greg Knisley, Dave Hughes, Judy Graff

**Absent:** Louis Adamson

**Staff Present:** Janet Chambers Recording Secretary, Alfred Ellingsen Zoning

**Also Present:** Township Attorney Ron Bultje, Supervisor Allan Overhiser, Clerk Cheri Brenner, Trustee Paul Macyanski, and 50+ interested citizens (Sign-in Sheet Attachment #1)

1. **Call to order and review of agenda:** Chairman Fleming called the meeting to order at 6:00 PM
  
2. **Presentation by Township Attorney Ron Bultje with questions from PC members, other Township Officials in attendance and, if time permits, from the public:** Atty. Bultje was asked to address short-term rentals and the Circuit Court Case Bauckham Trust vs. Petter, in Sunset Shores Subdivision. The judge determined rentals were impermissible by the Sunset Shores covenants and the Casco Zoning Ordinance. He ruled renting to be a commercial activity. In Casco Zoning Ordinances, commercial activities are not permissible in Residential Districts other than day care or adult foster care. The judge ordered an injunction for all rentals for fee, including long-term rentals. The rental property owners tried to use estoppel as a defense, which would have meant they had a verbal agreement with the Township to rent. The court rejected the estoppel defense because with an estoppel agreement there would have had to be an understanding between the Township and the rental owners. The judge ruled that Bauckham did not have an agreement with the Township. There is now an appeal in the Bauckham Trust case.

Bultje said there were 3 options. **1)** Do nothing, and rentals would not be permitted (pending the appeal). The down side is continued litigation, not a responsible option. **2)** Could interpret as the judge has and not allow renting in residential districts. Down side would be Casco not taking enforcement and would lead to litigation. **3)** Begin a study about what you want to do concerning long-term and short-term rentals. Define rentals and come up with regulations. In defining rentals Casco would need to define what short-term is vs long-term. In what districts might Casco allow rentals? What types of rental might be allowed? What types of regulations might be place on rentals? How will Casco fund it's rental activities and have adequate staff. Attorney Bultje's memo (Attachment #2)

3. **Chairman Fleming opened discussion up to Commissioners' questions.** Campbell questioned how Casco would fund rentals. Bultje said the primary way of funding would be inspection fees,

and registration fees. Costs would depend on staff availability for policing, fire, inspections, and record keeping, etc.

Chairman Fleming asked about pre-existing rentals. Bultje said it would be legitimate to take time to investigate before you start enforcing. Winter months are not big short-term rental months, so Casco should have a clear picture before Spring. Casco is not obligated to enforce, but allowing rentals could lead to court.

Chairman Fleming asked what would happen if it goes into the summer months before a decision is made, and what it would mean to people who have been renting. Bultje said that Sunset Shores cannot rent. The Ordinance could be amended to allow short-term rentals in residential districts.

Fleming asked if the Judge stepped outside the case by stating that rentals are not allowed in Casco. Bultje said the Judge ruled, based on both the Sunset Shores covenants and Casco Zoning Ordinance. Doing nothing would lead to law suits against the Township.

Knisley questioned how Casco could say it is ok to prohibit short-term rentals in one place, but not another. Bultje said excluding in various zoning districts is done all the time in zoning. Commercial activities are not allowed in certain areas.

Knisley asked how *non-conforming* and *not permitted* applies to short-term rentals. Bultje said *non-conforming* would only apply if something was previously allowed when the Ordinance was changed to *not permitted*. Since rentals were never legal under the ordinance, current rentals would not be grandfathered in as *non-conforming*. Someone could make the argument that the Township did not stop rentals in the past, others would argue that they were never permitted under the ordinance.

Liepe asked if there was a temporary thing that could be done until the rental issue is settled. Bultje said an interim ordinance could say rental activities are commercial and commercial activities are allowed under certain circumstances. It would depend on the board looking at the regulatory side. Liepe stated she feels like right now we (Casco Township) are out there and temporary would be better than nothing.

Fleming asked if the Planning Commission is responsible for handling the short-term rental issue. Bultje said if it is going in the Zoning Ordinance the Planning Commission would need to do it.

Knisley questioned if the Township has the resources to enforce regulations and complaints. He also questioned whether it would be a police issue or Zoning Administrator issue, and if the regulations would have enough teeth to be enforce. He also questioned at what point does it crosses from the Zoning Administrator to a police issue. Bultje said it could be either the Zoning Administrator or a police issue, but a deputy could bring a citation, which could end up in court. We could say, given the Bauckham case, that renting is commercial, and commercial is not allowed. That would be an enforcement issue.

Graff stated it could be a big enforcement issue either way, if we try to enforce the Bauckham case or go back to the way it was previously.

Fleming stated that since the Zoning Ordinance has the permissive quality, the judge was able to find something that was not permitted. Instead of listing what is prohibited, could we go the other direction and say what is prohibited. Bultje answered that we could not list everything prohibited, we would end up with land uses we really don't want.

The idea is to allow *reasonable* uses of property, otherwise it would be considered "*taking of property*". Every district must have reasonable uses within that district.

Fleming asked what would happen if a judge says selling a house is commercial. Bultje's answer was that a judge would not do that. But, if they did, you would have to say selling of a house is not prohibited.

Chairman Fleming opened questions up to Township officials. Macyauski stated that he had been flooded with opinions. Macyauski stated that rental is not allowed because it is commercial. That means bartering for profit is considered commercial. The violation was of Sunset Shores Covenants and our Zoning Ordinance. He continued the Zoning Board of Appeals never had someone come in and ask for a variance because they wanted to do something against the Zoning Ordinance (Rentals). That's because the Township either turned a blind-eye or allowed that use. We need to figure out how to work with the authority to enforce health and safety throughout the township.

Chairman Fleming said there are problems. It is the Township's job to figure out who is responsible. He asked if it is a Zoning Document. This is the first meeting the PC had on renting. This came from a judge, totally outside our process.

Attorney Bultje left the meeting at 6:45 stating to let him know if he could be of further help.

- 4. Opening statements by PC members:** Hughes asked how many short-term rentals are In Casco, and where they are located. Ellingsen answered 150 -160, mainly west of Blue Star. There are also 10 or 12 in the Ag District.

Fleming questioned whether rentals change the character of a subdivision.

Knisley questioned where commercial recreational use is allowed. Some are not happy with rentals, some say it is a great deal of income, which crosses into a business to them.

- 5. Adoption of process for the meeting, rules and times for public comment and discussion of time of adjournment:** 9:00 was set for the time of adjournment. There will be a time for public comment.
- 6. Chairman Fleming opened the meeting up for public comment** by first letting the public know there would be a \$13.00 + shipping fee for anyone who would like a copy of the packet supplied to commissioners. He also stated that they would be available online when the minutes are approved and published on the website.

Nancy Luke, 7170 Orchard Lake Dr., Glenn Shores, has lived there for 12 years. It was a quiet lovely neighborhood, that has had more and more rentals over the years. She said in the past five years, rentals have doubled, which is why it has become a concern. The trend is more and more rentals. She stated it does change the neighborhood.

Atty. Melissa Papke from Varnum LLC, representing Werkema on Lakeview Ave., Miami Park. She is generally in favor of rentals and was at the meeting to understand thoughts and concerns. She is concerned whether something will be figured out for the interim. She suggested it be considered an interpretive thing.

Wayne Hagger, not a residence because he cannot afford a home here. A lot of people who rent their homes are because they can't afford it without renting. He met people who come up and vacation because they want to be in a good community. He felt nobody wants to share. He said this is America, and we have a responsibility to talk. He stated the rental thing went to court after 45 years of rentals in Sunset Shores. He talked about city people moving up wind of a pig farm, then complaining about the pigs as an example of moving into a short-term rental area, and a few finicky people wanting to control everything.

Lois Schwartz, 7275 B Street, Mt. Pleasant, stated she keeps hearing we did not have problems before the lawsuit. There were problems that precipitated the law suit. Despite the fact that there was a history of rentals. It was families and relatives of the neighborhood who would come to rent. This all changed with VRBO (Vacation Rentals by Owner), and various websites. Now there is frequent turnover, people coming for a brief vacation, because they are coming through the internet it is very impersonal. There are things going on that would not have been tolerated from neighbors, rapidly and constantly. Now with transient renting when owners are not there it can be hazardous and she should not be put in the position of policing her neighborhood. She should not put up with people who abuse the amenities. She sees people walking down the street with liquor bottles, she saw a guy plow into a door. She saw one guy teaching his son to use their elevator mechanism as a toy. The local community is very careful about safety and children under 12 not using the elevator unattended. She finds little children from rentals in the elevator unattended. If she asked where their mother is, they don't care. They will be gone next week. There needs to be respect for residents. The Judge's decision was based on short-term rentals only. He did not rule on anything else. The judge also mentioned the 12 incidental days for rental being allowed in the ordinance. Schwartz would like to see the Zoning Ordinance in keeping with the Master Plan, which speaks against transient activity. She felt the attorney's remarks showed a bias toward accommodating rentals. Regulations will not eliminate problems, enforcement would be difficult without resources, a short-term rental ordinance will fail. Citizens would be in the position of reporting others. A possible compromise would be to allow a two-week minimum, but the owner must live there. Renters need to be there long enough to respect the neighbors. Power party weekends need to stop. Country roads are being used for sidewalks. The fire departments say cars should not park on the corner. Renters do not care.

Sally Newton, from South Haven Township, manages rentals. She was involved in the process in South Haven. She is pro-rental because it is what she does for a living. A decision must be based on factual information. South Haven had no factual information. Assumptions are taken as fact. South Haven came out with an ordinance she can live with. She said that an opinion has been drawn between length of stay and problems. She did not feel there was a connection

between length of stay and quality of vacationer. She noted that Casco did not know how many short-term rentals are in Casco, and emphasized that Casco should know. There should be a registration process. She suggested that Casco keep track of complaints. She referred to an article in the South Haven Tribune stating most of the complaints in South Haven were proven to be unfounded. She said Casco is like South Haven with guests coming for Lake Michigan. She said silly words like hotel are being used by the crowd and in emails. No one is renting out single rooms, which is what makes it a hotel. She said that people who want to get rid of short-term rentals can just go home. She asked the PC if they are going to change the language (in Zoning Ordinance). Rental owners are booking for 2017 and May is too late. She said the PC should get busy and write that language. She said she would like to have a sense for where the commissioners stand on the issue. At the end of the day the commissioners will vote. Doug Nickerson, 7266 Pacific Avenue, Miami Park. Regarding an interim solution, he asked that the PC be very careful not to make a temporary short-term rental that can't be taken back. The Township attorney said one defense was the argument that it was legal at one time. He suggested that a decision be made soon. It is not easy, but, it is not going to get easier.

Larry Scott, 7182 Orchard Lake Dr., Glenn Shores. Said it is becoming a loud, active place, not as nice as it used to be. He suggested 12-day limit to keep density down and have better control. The neighborhood cannot go out and police the neighborhood.

Mike Torti, 7238 Pacific is his 2<sup>nd</sup> home. He lives in Chicago. He is a taxpayer in love with the community. In 6 years of renting he has been very careful who rents his homes. His full-time home gets more dings in the walls than his rental. If someone misbehaves, he wants to know. He stated "if you don't want to deal with college kids, don't move into East Lansing". About mini hotels, he said it is not a mini hotel, it is a cottage. He would not want a mini hotel next to him either. He said if people are misbehaving, deal with it. He did not feel there was a correlation between length of stay and renting. He has never gone on a 2-week vacation in his life. He stated that limiting growth is not in the Master Plan.

Pricilla Massey, Atlantic Street, Miami Park, said Casco was established as an Ag District, not a vacation area. She moved to Casco because she did not want to live in South Haven. Casco does not have the bars and gas stations that South Haven has. She noted that there are some short-term rentals in Ag, but mainly west of Blue Star.

Massey provided a copy of the original deed agreement of Miami Park Development, July 26 1927, stating that buildings would be no closer than 15 feet to road, no building shall be built for any purpose other than a private dwelling, necessary barns, garages and out-houses excepted. (Attachment #3) and a National Realtor Magazine article about Airbnb's effect on neighborhoods (Attachment #4)

Massey explained, residents want to be able to walk the narrow streets, that were built for Model-Ts. For the past 4 or 5 years, this is not possible. The Board, Township Supervisor, and the Zoning Administrator are all more interested in making the out of towners happy than those who live here full time or own and live in their homes part time. Short-term renters (absentee

landlords) care about one thing and one thing only, money, not our community. That includes the folks behind this whole issue, realtors, real estate salesmen and the rental property owners. Property owners or absentee landlords, folks who have never lived in Miami Park, Casco Township, Allegan County, or some, not in Michigan. Yet it would appear they have more influence on the folks they had nothing to do with putting them in office.

She continued, we have elected and appointed folks who have no respect for the law or the opinion of us who will be affected by the short term-rentals. They don't even respect ordinances that they put into place. At two meetings, Allan Overhiser stated they have always had rentals. However, he failed to make a distinction between long-term rental and short-term rental. One is legal (long-term), one is not (short-term).

Massey said folks who rent long-term are general part of the community. They work there, attend church, vote, send their kids to school, play sports, and participate in various community activities there. Short-term renters do none of this, they come, party, often disrespecting those of us who live here.

She questioned why is the Township is more inclined to listen to absentee landlords and property owners who don't even live in the community. There are two things that come to mind, money or threats or both. Why would a law-abiding person, who is an elected official, take sides with anyone, who is asking them to ignore, break, or set aside a valid court decision. A court decision with the same or similar issues that have been heard in other jurisdictions and upheld in fact or principle by the Michigan Appellate and the Michigan Supreme courts.

In regard to threats, Massey set a large rock on the Commissioners table and stated that it was thrown through her window by a person who is in favor of short-term rentals as an example of what she is putting up with.

She continued, Perhaps the expression "something is rotten in the state of Denmark" applies. Should we be suspicious of their motives? If the authorities knew about the problem and chose not to prevent them, then clearly something is rotten in the state of Denmark.

Massey continued, as President of our little Miami Park neighborhood, one of the points they are trying to make is that the court did not rule against all renting – only in residentially zoned areas. She is concerned the Township will change the neighborhoods from residential to commercial. She questioned why, when there is no benefit to the community, churches, roads, or neighborhoods, would Casco side with developers, who have already broken the law when they took out building permits for a single-family home. Massey stated that Ellingsen told her he gave out no building permits for rental homes or duplexes in the past 5 years. In Miami Park, there are ten 3-story double-wide homes that go up in one day. They were on Airbnb to be rented before they were even finished inside. She said they were the law breakers, not the residents. These developers know what they are building and what their intentions are, they just lie on the permit application and to Alfred and build anyway.

Massey was concerned that the Township does nothing about this, the Township's explanation is "everybody rents". She continued, everybody does not rent. Some want to retire here, but because they cannot afford the payments on the house they bought, they rent it. It is not the Township's concern if someone can, or cannot, afford a second home, and many people that live here are retired and don't want the loud parties, misbehavior on the beaches, and vandalism that takes place every year, by those that have no stake in the neighborhoods. Residents want to go for walks and bike rides with their grandchildren without the fear they will be run over by drunks. When she bought their property in 1985 everybody was camping in Sunset Shores and Miami Park and where Boardwalk is now. The township made that illegal.

Massey said they have all worked very hard for their homes, in the highly taxed, and highly priced area of Casco Township on Lake Michigan. They did not buy into a commercial zone, they bought into a residential subdivision. They don't believe that the profit motives of a few out of town property owners and developers should be allowed to negatively impact our home values, peace, quiet and safety.

She asked at what point politics and back room conniving for financial gain gets trumped by what local citizens overwhelmingly want. She questioned if the behavior of the Casco Township Board is going to be like the issue of the Allegan County Jail. Allegan County citizens voted down the proposed new jail twice and the county commissioners met in a back room and bought the old Hayworth building and built a jail anyway – and taxed Allegan County residents for it.

Massey pleaded with the township not to ruin our community and change our zoning or master plan from residential to commercial. She expressed that Casco will lose more community members if Casco makes us commercial.

Jeremy Fricke, 5701 E Emory, Portland. Bought his house in February inspired by staying in rentals. He drove 1 ½ hrs. to work on the house. He proposed curbing commercial rentals. He suggested a good compromise would be 4 – 6 weeks of renting. This would help pay the taxes, but would prevent anyone from building just for rental.

Ryan Servatius, 71<sup>st</sup> Street, grew up in South Haven. Currently he is on the National Association of Realtors Committee for Resort and Second Homes. He said a lot of complaints are from the gated community. Big Blue Beach Rentals have a lot of families that come for trails and beach and are in bed by 10:00. Most issues are with rentals downtown or near the bars, not families. Fleming asked Servatius how he would deal with the problems. Servatius stated that vetting the right people to rent is the key. He stated that South Haven has a good start on the rental issue.

Mike Uldriks, 7219 Highfield Beach, said they are having the same problems as other property owners. Casco needs input for damage control. He very rarely agrees with an attorney, but if the Planning Commission would define rental, have penalties of \$1,000 / day for violations, and allow 3 month minimum rentals, screen their rentals, rent to families, limit the number of occupants based on number of bedrooms. Uldriks has lived both sides of the issue, he has owned a rental property, and lived next to rentals. If you put \$1,000 / day fine on violations and

assess them to the taxes they will have to pay within 2 years. He said Casco would save a lot of litigation if they redefine rentals. Have a definition in line with what you would have as a single family residential district.

Kathy Watt, 7262 Atlantic Ave., Miami Park said developers are building a 6 bath, 6-bedroom home. The owner lives 8 hours away. She has been awakened at 2:00 AM and if they complain to the occupants say they spent \$5,000 for their vacation and feel entitled to do what they want. She said people have no idea what goes on. Kids riding motor bikes up and down the street, nuisance, dogs not cleaned up after, the beaches are a mess, stairs have been broken on two occasions. She does not believe renters can be screened. Short-term rentals have affected her neighborhood negatively. She asks that Casco not change the ordinance.

Jenifer Chada, Miami Park, owner of rental property, stated that there is probably more noise from Highfield Beach than her rental. She has an agent and doesn't mind reasonable restrictions.

Chris Barczyk, 476 High Shores Lane, Highfield Beach, said we have gone in a lot of directions, from a regulatory ordinance to a Zoning Change. He spoke about Bultje's statement that the Judge's decision on the Sunset Shores case is all subject to appeal. Barczyk clarified that the appeal is only based on a deed waver, not the Zoning Ordinance. One component of the case was regarding the deed.

Barczyk said farm rentals and bed & breakfasts, all have on site management with an owner, actually there, and held accountable. If you have a problem they took care of it and the owner would have to answer to neighbors.

Barczyk provided a Position Statement (Attachment #4), from the Homeowners' Alliance for the Preservation of Casco's Residential Neighborhoods, made up of residents of Sunset Shore, Mount Pleasant, Highfield, Glenn Shores, Miami Park and Eaton Park, signed by 108 members (additional names forthcoming). The Alliance is opposed to amending the ordinance to allow transient lodging. They are opposed to treating transient lodging, incidental renting and residential leasing as the same thing. They oppose amendments that fail to acknowledge the incompatibility of transient lodging and peace and quiet of residents in residential zones.

Barczyk stated the Zoning Ordinance limits permitted uses to "single family dwellings" in residential zones. Hotels have never been permitted in residential zones and are regulated to commercial zones. Transient lodging most closely fit Casco's definition of "hotel".

The ordinance must be enforced based on plain language and definition. The private beliefs, thoughts or intent has no significance in the court. Amendments to the ZO must be made pursuant to Michigan's Zoning Enabling Act (ZEA) in strict compliance with procedures and requirements. A regulatory ordinance would have no effect, except to mislead the public.



Barczyk witnessed a lot of things firsthand. They had trespassers vandalize the clubhouse and landscaping. They must deal with fireworks, drunks, screaming kids. He asked that we look at the LDR Description and Purpose. The Master Plan must be referred to in all Zoning decisions. When the Planning Commission is faced with making a zoning decision, they must refer to the Master Plan. There is debating whether short-term rentals are commercial. It is commercial. He is not advocating eliminating rentals, by no means. Current zoning restrictions allow renting 1 month, multiple weekend rentals, that could go to paying taxes and mortgage. The concerns about making ends meet is already provided for.

Barczyk said the Zoning Ordinance states no transient lodging behavior. It even goes so far as to say no college student can rent. Now we have 16 college kids going in on a rental and partying. Monthly or 5 year renters become part of the community, learning the culture. Reflect that current zoning provides for everyone except those that are trying to make a commercial business.

Valerie Baas, Ypsilanti, 7220 Beach. Stated it is volume and density, not any individual rental. Limit that kind of activity. There is an accumulative effect of how many are moving in.

Massey stated she should not have to police her neighborhood.

Daron Massey has vacant property in Miami Park, no house. He has plans to build on Pacific. He bought the property to rent 4, 5, or 6 weeks in the summer. He does not want to wait until May to find out if he can rent it. He is asking if there will be an interim decision. He must rely on the township to make a decision to determine if he will be able to build on his lot or not.

Laura Townsend of Kalamazoo, owns house at 1188 Hickory Drive, Glenn Shores. She attended all meetings since July. She rents to families only. She feels she can vet her renters. She received a letter there has been numerous complaints about her renting. She has not had renters for some time. She felt it was an unfair notice issued by Campbell. Campbell stated the complaint was made against several neighbors. She stated she is trying to be part of the solution. She suggested going to 1 week rentals. Two or three days can be an issue. She said she tries to support local communities, farm markets, wineries, etc. She said that renters not caring about the neighborhood is not true. She had renters that found poison ivy at her house and they took care of it. The negative things are not true. A resident of Glenn Shores had her daughter rent and stayed for a month. Townsend feels a Regulatory Ordinance is the best way to go. She said if loud parties go on, come up with something that has a bite to get their attention.

Bret Morgan 72<sup>nd</sup> St. Built his 1<sup>st</sup> rental house in 1981, in 1995 he built another, and in 2004 he built another. In 25 years he has never had a visit from police. His retirement plan is his \$135,000 in rent. Limiting rental time is nonsense. He rented to a church group for the 3<sup>rd</sup> year in a row for 1 night, corporate groups rent for 1 night. His suggestion is to allow renting as before. Don't regulate until you see a problem. He has no right to regulate who comes down 72<sup>nd</sup> Street. Deed restricted areas are different. There is a lot of revenue in renting.

Christopher Fleming felt he needed to speak up as a new property owner. He heard a lot about some of the issues. There is no debate that a problem exists. It is difficult finding a solution. The way to come up with a solution is to think outside of the box. There may also be potential for private solutions. The group concerned about renting represents a movement that could be viable for private solutions. The Township may add its opinion. His recommendation is that regulating in zoning is quite inflexible as far as keeping up with the economy. Trying to regulate through zoning is putting township at a disadvantage. If Casco does regulate through a township ordinance, before regulations are put together, base it on actual data. Township should collect information, then make decisions on data, rather than estimate, make rules, and then rules do not reflect actual problems.

John Weaver of Dorr, MI, owns a house at 7172 Pacific Ave., Miami Park. He has owned property for 15 years. Miami Park looked like swamp land with 2 or 3 homes when he first came. Lots of development has come with income to the township. The first 10 years he did not rent, but there were renters around him. He enjoyed the renters. Since then he has begun to rent. His renters must be related. He will retire in 2 years and make it his residence. He will need to rent in the summer to cover taxes. Short-term renting is happening in all states. The world is changing, and we need to think about same thing.

Julie Thompson, 1192 Hickory Dr., Glenn Shores, owns a 2<sup>nd</sup> home. She lives in Kalamazoo. Her learning curve was in the beginning. She found that anyone who rented for 2 night rentals wanted to party. Young people could scrape enough money for 2 nights. With a 3 night minimum, she had no problem. Summers, she has a 1 week minimum. This has eliminated parties.

Debbie Dickson, 1120 Golf, Glenn Shores. Said there are many opinions of what to do. She does not want to sell house, which is what she would have to do if she could not rent. She built with intentions of using the home and renting summers. She does not rent to anyone under 25. She handles the rentals herself and knows names and ages of all renters. No neighbor has complained. She has found 1 bottle in her yard in the last 2 years. She has a 6-page rental agreement, including rules like no more than 3 cars, no parking on road, no fireworks, no tents or RVs. She is very strict. She does not want the trouble of renting to 12 guys who are dorm buddies and do not all live together. She rents to relatives only. She has someone nearby who can be called if there is a problem. She, as the homeowner, would have to pay that person to oversee the rental, not municipalities. She also has rental property in Florida with the same care and strict rules. Fleming asked for a copy of her agreement. She will email him a copy.

#### **7. Chairman Fleming asked for Commissioner's comments.**

Campbell said it has been very helpful going to board meetings and South Haven Township meetings to get a feel about the subject. If anyone feels hurt about getting a complaint, he wanted them to know he did not recruit anyone to sign the complaint. People contacted him to file a complaint. There were 19 rental owners who received complaints. He stated that residents in communities should not be the policeman. Until this year, there were several serious issues. Electric cables were run across street. This needs to be dealt with. We are

reaching a point where township needs to step up and deal. Complaints are going out and will continue to go out.

Dale Morgan 72<sup>nd</sup> St. said all neighborhoods should be addressed. Most of the rentals are west of Blue Star in subdivisions formed in 1920's. Bottom line is there are issues township needs to address.

Liepe said it has been a good, meeting. She was not able to make township board meetings land has learned a lot. What she loves about the community is that it is a respectful community, we care about neighbors. Call if we see something that should not be happening. Because we care we ought to be able to come to each other.

Chairman Fleming opened discussion to Township officials. Supervisor Overhiser thanked the PC and said they have a clear perspective of what the process needs to be.

#### **8. Closing Comments by PC members**

Discussion ensued about the next meeting date and what to cover. Graff suggested meeting every 2 weeks, for 2 hours on the rental topic only. Two things she would like for the next meeting is to summarize this meeting crisply so they could put their arms around it. And secondly, refresh themselves with the Master Plan and Zoning Ordinance on things that will help or things to worry about. If you change one thing, another is impacted. Reflect on what is there now.

Graff added, we are not South Haven, and never wanted to be South Haven. The Master Plan has guided us. Many have not dealt with what is in there.

Liepe said we should research and educate ourselves.

Hughes suggested that to take advantage of the 2-hour meeting, Chairman Fleming could email Commissioners, charging them with what to do strategically to be ready for the meeting. He added it could be difficult to come up with a short-term remedy without jeopardizing the future.

Graff said short-term, or long-term, we must address the enforcement that needs to be done.

Minutes Prepared Janet Chambers, Recording Secretary

The next meeting will be Wednesday, January 25<sup>th</sup>, from 7:00 – 9:00 on rentals.

Attachment #1: Sign-in sheet 1-11-17

Attachment #2: Bultje memo, Re: Bauckham v Petter, 1-11-17

Attachment #3: Original deed Miami Park, 8-26-27

Attachment #3a: National Realtor Magazine article, Re: short-term rentals, 12-2015  
Attachment #4: Homeowners' Alliance for Preservation of Casco's Residential Neighborhoods  
Attachment #5: Memo from Bultje, Re: Sunset Shores Litigation, 4-28-16  
Attachment #6: Bultje memo, Re: short-term rental regulation, potential expenses, 12-16-16  
Attachment #7: Bill Chambers, Re: short-term rentals, 10-17-16  
Attachment #8: Cary & Lisa Claver, Re: short-term rentals, 12-15-16  
Attachment #9: Susan Cutler, Re: Re: short-term rentals, 12-19-16  
Attachment #10: Gary Greenspan, Re: short-term rentals, 12-19-16  
Attachment #11: Gary Greenspan, Re: short-term rental complaints, 12-17-16  
Attachment #12: Gary Greenspan, Re: short-term rentals, 12-16-17  
Attachment #13: Jim & Karen Hart, Re: short-term rentals, 12-16-17  
Attachment #14: Marv Haveman/Dan Attala, Re: short-term rentals, 11-30-16  
Attachment #15: Marv / Dan Haveman, Re: short-term rentals, 1-4-17  
Attachment #16: Rick Herrick, Re: short term rentals, 10-10-16  
Attachment #17: Barrett & Patty Hickerson, Re: Vacation rentals, 10-16-16  
Attachment #18: Victor & Kymberly Krumm, Re: short-term rentals, 12-15-16  
Attachment #19: Brad Labadie, Re: short-term rentals, 12-19-16  
Attachment #20: Carol Leneway, Re: short-term rentals, 2016  
Attachment #21: Darren Massey, Re: short-term rentals, 2016  
Attachment #22: Terry Masterson, Re: short-term rentals 12-15-16  
Attachment #23: Steve and Karen Nakken, Re: short-term rentals, 12-18-16  
Attachment #24: Carol Ann Nappowoki, Re: short-term rentals 12-19-16  
Attachment #25: Maureen Perideaux, Re: short-term rentals, 12-5-16  
Attachment #26: Lois & Carl Schwartz, Re: short-term rentals,  
Attachment #27: Karin Valenza, Re: short-term rentals, 12-16-16  
Attachment #28: Marcel van der Elst, Re: short-term rentals, 12-19-16  
Attachment #29: Matthew Wehrman, Re: short-term rentals, 12-16-16  
Attachment #30: Michael & Andrea Werkema, Re: short-term rentals, 12-16-16  
Attachment #31: David Watson & Nathalie Godinot, Re: short-term rentals, 1-3-17  
Attachment #32: Dan & Maribeth Way, Re: short-term rentals,  
Attachment #33: Scott & Deborah Ziemke, Re: short-term rentals, 12-16-16  
Attachment #34: Bill & Trish Gibbons, Re: short-term rentals, 1-4-17  
Attachment #35: Douglas Nickerson, Re: short-term rentals, 1-5-17  
Attachment #36: Rick Herrick, Re: Complaint letter, 1-10-17  
Attachment #37: Patricia Murphy, Re: Complaint letter, 1-10-17  
Attachment #38: Mark Hutchens, Re: Complaint letter, 1-11-17  
Attachment #39: Rick Herrick, Re: Homeowners Alliance, 1/11/17  
Attachment #40: Carol Ann Hall, Re: short-term rentals, 1/11/17

## Attachment #1

## Short-term Rentals Workshop

Date

1/11/17

Planning Commission Meeting - Please sign in

Name	Address
Debbie Dickson	1120 GOLF MEDE, SH
DARRON MASSAY	PACIFIC AVENUE, CASCO
Bob Graves	653 Lake Shore
MARY TOBIN	945 LAKE ST.
Tevese Orben	7184 ORCHARD LK DR.
DANIEL KLUG	7220 BRANT DR
VALERIE BAAS	"
CHRISTOPHER MACCIE	7157 IRONWOOD DR
Melanie Durnam	Mill Pond Realty
Karen Kostyla	Mill Pond Realty
Fabiana Gibbons	
Jim Hart	619 Lakeshore
Harry Werkema	2008 Pleasant Road, Byron Center, MI. 49315
Suzanne Cutler	8688 Shoreway Byron Center MI 49311
Nancy Rufe	7170 Orchard Lake Dr. South Haven
Jack Johnson	7186 Orchard Lake Dr. S. Haven
Frank & Lucy Masse	Maine Park
Gene Wierwille	7266 PACIFIC AVE
NOOR NIKERSON	
Ron Seiler	567 - 71st Street
Lisa Stauf	7384 Highland Beach Dr
Jim Stauf	7384 Highland Beach Dr.
Wafiq Haq	Sunset Blvd
Julie Werkema	7356 Lakeview Ave. South Haven MI
Helissa Papke	Varnum, 333 Bridge St Grand Rapids MI
KEN WRIGHT	7151 Ferndell Ave.
GREG HAAS	7151 Ferndell Ave.
MAURICE ZOERN	7205 Port Stetson
Fairy Matheson	7140 Willowood Dr

Name	Address
SALLY Newton Roposque	67234 Bickly Lane SOHA
DANN HOWITT	997 SINGAPORE SAUG
JAMES SKARIN	568 MOZART Ct SH
Mike Torti - Jan Chade	7238 Pacific SH
Richard Nutter	SUNSET SHORES
Jeremy Fricke	852 LM Drive SH.
Paul Skomora	MESIANE + BOWIE, G.R.
Chris Barczyk	476 High Shores Ln
Brandon Vates	2251 Longsawm Rd Portage, TN
Kristin Barczyk	476 High Shores Ln SH
Michael Uldrich	7219 Highfield Beach Dr
Ryan Servatius	74293 Lambert DR. So. Haven ME 49020
Harry Scott	7182 Orchard Lake Dr. Glenn Shores
Bret Morgan	1572nd St & H
Dale Morgan	32 72nd st. SH
Laura Towerson	1188 Hickory Dr. Glenn Shores
Lain Schwartz	7275 B St. South Haven MT. PLEASANT SUBD.
Joy Marilyn Darby	1062 Lake Mich Ave. South Haven MI
Kathy Wolf	7802 Alameda Ave South Haven MI
John Weaver	7271 Pacific Ave, " " "
Debbie Weaver	7271 Pacific Ave
Jeff Thompson	1192 Hickory SH 49090
Jane Thompson	1192 Hickory SH 49090
Christopher Fleming	6756 109th Ave SH 49090



Scholten Fant

Attorneys

Over 50 Years of Service

Ronald A. Bultje • rbultje@scholtenfant.com • 616.842.3030

100 North Third Street, P.O. Box 454, Grand Haven, MI 49417-0454

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MEMORANDUM

**TO:** Casco Township Planning Commission **VIA HAND DELIVERY**

**FROM:** Ronald A. Bultje

**DATE:** January 11, 2017

**RE:** *Bauckham et al., v Petter et al.*, and Short-Term Rentals in Casco Township

Planning Commission Members:

We have been asked to address the short-term rental matter for Casco Township (the "Township"). Specifically, we were asked to provide an explanation of the above-referenced Allegan County Circuit Court case, the problems with the Township's Zoning Ordinance (the "Zoning Ordinance") and options for Township, as well as considerations for the Planning Commission in reviewing this matter.

**I. *Bauckham Trust et al., v Petter et al.*, case no. 15-054455-CH (April 5, 2016)**

A. Issue: whether the rental (including short-term rentals) of dwellings within Sunset Shores, and located in the Low Density Residential District, is impermissible (1) pursuant to the Sunset Shores restrictive covenants, and (2) pursuant to the Zoning Ordinance.

B. Sunset Shores Restrictive Covenants

1. The Court determined that the property owners were engaging in "impermissible commercial activity when they rented their private homes on their individually-owned parcels to the public for a fee." Later in the opinion, the Court referenced the rentals as "short-term rental periods," without providing a definition of what is considered short-term. Part of the Court's finding of "impermissible commercial activity" was based on the characteristics of the short-term renters, given there was testimony regarding their "rude, inconsiderate, annoying behavior," which created a "party like atmosphere."

2. The Court ordered an injunction for “all rental activity for a fee,” without limiting that action to short-term rentals.

C. The Zoning Ordinance

1. The Court defined the activity as a “rental” where “homes are essentially being treated like hotels for guests.”
2. The Court reviewed the Zoning Ordinance, which defines commercial activities and states that all commercial activities are prohibited in Low Density Residential Districts, except day care and adult foster care uses which are permitted only with a special land use permit.
3. Because the Court determined that the commercial definition applies to the rental activity in the Low Density Residential District, the rental activity is impermissible, and the rental property owners were found guilty of negligence per se for the Zoning Ordinance violation.
4. Finally, the rental property owners attempted to argue a defense of estoppel, which would permit them to continue even an illegal use of property if they had relied in good faith on a permit or some other grant of permission issued by the Township. The Court rejected this defense because the Township had made no declarations about rental activity upon which the rental property owners had relied.

- D. The problem with this case is that the Court failed to sufficiently define what activity constitutes a “commercial activity” under the Zoning Ordinance. Arguably, under the Court’s holding, all rentals are commercial and impermissible. This subjects the Township to continued and even greater scrutiny unless it works to clearly define permitted and prohibited uses, particularly in relation to rental activities, short-term and long-term, in the Township.

## II. The Zoning Ordinance and Options

The Township has historically permitted long-term and short-term rentals, but the Zoning Ordinance, as articulated by the Court in *Bauckham*, is not sufficiently clear as to whether rentals are permitted in residential districts at all. This creates confusion and invites a court to determine whether and what type of rentals are permitted. In *Bauckham*, the Court said rentals are not permitted, at least within the Low Density Residential District, but this decision has already been appealed and is pending before the Michigan Court of Appeals. In the meantime, the Township now has the following options.



- A. Do nothing by refusing to take a position regarding whether rentals (short-term or long-term) are prohibited or permitted in the Township. This would likely lead to additional litigation among residents and may even result in a lawsuit against the Township for failure to enforce its Zoning Ordinance, based on the recent *Bauckham* case. In addition, the Township will be stuck with whatever the Courts determine is permissible.
- B. The Township could begin to enforce the Zoning Ordinance with the position that it prohibits short-term rentals only. This would likely result in additional litigation as well, as rental property owners will likely fight vigorously to be able to continue their rental practice and the Township may have to obtain court assistance to enforce the Zoning Ordinance. Furthermore, the *Bauckham* case is not clear as to whether the Court considers short-term rentals or all rentals to be prohibited. If the Township only prohibits short-term rentals, that could create an even more complicated situation and increase tensions among residents as well. Although the Court found insufficient facts to support an estoppel decision in *Bauckham*, finding that rental property owners had not detrimentally relied upon Township actions or statements, other rental property owners may be able to make better arguments about detrimental reliance upon the Township's allowance of short-term rentals in the past. Either way, the Township would have to spend significant time and money defending these potential cases.
- C. The Township may explicitly and adequately address long-term and short-term rentals within the Zoning Ordinance, with a regulatory ordinance for the specific rules and procedures. This option would eliminate any confusion regarding short-term or long-term rentals. In addition, unless the Court of Appeals reverses the *Bauckham* decision, no rental owner can legitimately claim to be grandfathered as a prior nonconforming use. The Township could begin anew—deciding what practices are permitted within its boundaries. As this option provides the Township with the most regulatory control and the best chances of avoiding litigation, we advise the Township to select this option and proceed accordingly.

### **III. Planning Commission Considerations**

- A. Will the Township distinguish between short-term rentals and long-term rentals? Given that the *Bauckham* case called both rentals into question, the Zoning Ordinance should address both.
- B. Specifically, how will short-term rentals be defined, and how will long-term rentals be defined?

- C. What types of rental activities will be allowed in residential districts of the Township?
- D. What types of non-zoning regulations should be placed upon rentals?
- E. How will the Township fund its rental regulation activities, and will the Township have adequate staff to accomplish these activities?

**IV. Conclusion**

Given that rental regulation is a new concept for the Township, the Township should consider broad regulations until specific problems arise. The most important aspect of regulation now is to simply clarify what rentals, if any, are permitted in the Township.

Very truly yours,

**SCHOLTEN FANT**



Ronald A. Bultje

RAB/

cc: Mr. Allan Overhiser, Supervisor  
Mr. Al Ellingsen, Zoning Administrator

Casco 110 Memo 01102017 Planning Commission re Review of Case, Zoning Ordinance, Options, and Planning Commission Considerations

Attachment # 3

497

Miami Park Mich. Development Company  
TO  
Charles Solomon  
Received for Record this 26 day of July A. D. 1927, at 10:22 o'clock P. M. as a proper certificate was filed in compliance with Section 3957, Compiled Laws of 1927.  
Gerrit Heneveld Register of Deeds.

This Indenture

Made this twenty eighth day of May in the year of our Lord one thousand nine hundred and twenty seven  
BETWEEN Miami Park Michigan Development Company of the City of South Haven, County of Allegan, State of Michigan, a corporation organized and existing under and by virtue of the laws of the State of Michigan, party of the first part, and Mr. Charles Solomon, 1606 S. Trumbull Avenue, Chicago, Illinois

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One dollar (\$1.00) part 4 of the second part,

to it in hand paid by the said part 4 of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents grant, bargain, sell, remise, release, alien and confirm unto the said part 4 of the second part, and his heirs and assigns, FOREVER, all that certain piece or parcel of land, situate and being in the Township of Cass County of Allegan and State of Michigan, known and described as follows, to-wit: Lots eighteen (18), Nineteen (19), and twenty (20), Block two (2) in Miami Park, a subdivision of part of the South fractional half of section thirteen (13), Town one (1) North of Range seventeed (17) West.

This conveyance is made expressly subject to building line restrictions of fifteen (15) feet from road. No building nor any part thereof shall be erected on said premises to be used other than a private dwelling (necessary barns, garages and out-houses excepted).

No building to cost less than Two Thousand and no 100 Dollars (\$2,000.00). That said premises or any portion thereof shall not be leased, occupied by, or sold to any person other than a member of the Caucasian race.

All out-houses shall be equipped with septic tanks and that the disposal of all sewage in all the buildings, including out-houses, erected upon said premises, shall be by septic process or by a system of sewerage similar to that used in the City of Chicago, State of Illinois

This conveyance is made subject to taxes and special assessments after January first, one thousand nine hundred and twenty-seven.

All and each of the covenants above referred to shall attach to and run with the land, and shall be enforceable by any of the owners of any of the lots in this block, or by any of the owners in Block opposite fronting on said road or street, or by the owner of any lot fronting on the road of Together with all and singular the hereditaments and appurtenances thereto belonging or in anywise appertaining: To Have and to Hold the said premises, as herein described, with the appurtenances, unto the said part 4 of the second part, and to his heirs and assigns, FOREVER.

And the said party of the first part, for itself and its successors, does covenant, grant, bargain and agree to and with the said part 4 of the second part, his heirs and assigns, that at the time of the sealing and delivery of these presents, it is well seized of the above granted premises in Fee Simple; that they are free from all incumbrances whatever.

and that it will, and its successors shall forever Warrant and Defend the same against all lawful claims whatsoever.

In Witness Whereof, The said Miami Park Michigan Development Company has caused these presents to be signed in its name by its President and Secretary and sealed with its corporate seal the day and year first above written.

Signed, Sealed and Delivered in Presence of  
Hannah Perlman  
V. Gerber  
Miami Park Michigan Development Company  
By Samuel M. Hadesman  
Its President  
Edward Perlman  
Its Secretary



STATE OF MICHIGAN, ss. On this twenty eighth day of May in the year of our Lord one thousand nine hundred and twenty seven before me, a Notary Public in and for said County, appeared Samuel M. Hadesman and Edward Perlman to me personally known, who, being by me duly sworn, did say that he is the respective President & Secretary of Miami Park Michigan Development Company. the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, by authority of its Board of Directors, and said Samuel M. Hadesman and Edward Perlman acknowledged said instrument to be the free act and deed of said corporation.

My commission expires April 30th 1930 Seal Hannah Perlman Notary Public.

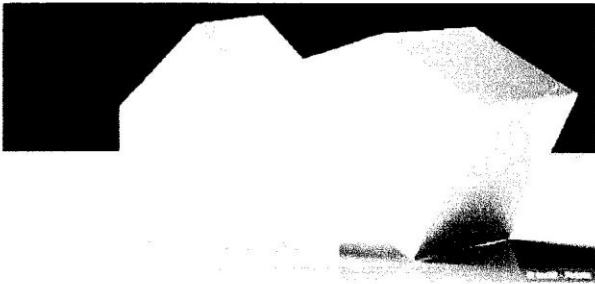
Van Buren County, Michigan

street in block opposite to any side exposure of the premises hereby conveyed.

## Airbnb Is Crashing the Neighborhood

Short-term rental websites raise risks for home owners, their neighbors, and communities.

BY BARBARA NICHOLS



There's a good reason every city has zoning laws. They separate various types of buildings and building uses for the mutual benefit of everyone, so people don't have to live next to a factory or a motel. Most cities also have laws related to the minimum rental period for a single-family house or a multifamily dwelling. In Los Angeles, for example, a residential rental of less than 30 days — called a "short-term

rental" — is currently prohibited.

Internet companies such as Airbnb and VRBO pay no mind to such ordinances. They've swamped the market in California and elsewhere with thousands of STR listings, making the rules difficult or impossible to enforce. These rental sites appeal to home owners who need additional income. Then the companies use those owners as examples to coax cities into making STRs legal. Even though there's clear demand on the part of home owners, that doesn't justify the many problems STRs cause for the larger community.

Usually, there's no problem with people renting a room in their home, as long as the lease is longer than 30 days and the home owner is present to monitor the renter's activities. The owner has an opportunity to check the potential renter's credit, employment, and references. However, STR websites are calling this type of pre-existing rental the "shared economy" to sell their quite different concept to cities.

These websites claim that home owners should have the right to do whatever they want with their property — but that's a fallacy. When someone has purchased in a single-family or multifamily zone, they have accepted the rules of that zoning. They do not have the right to turn their home into a motel (transient zoning), a restaurant, or a factory to the detriment of everyone else in that zone.

What is your main feeling about short-term rental websites like Airbnb? (Poll Closed)

They provide consumers with a lower-cost alternative to hotels. 33.46%

They could reduce property inventory and values in the surrounding neighborhood. 22.06%

Owners have the right to rent out their property if zoning rules permit it. 33.46%

I am not familiar with short-term rental sites. 11.02%

More to Come

Watch for the January/February 2016 print issue of REALTOR® Magazine for insights about how real estate professionals are handling short-term rentals in their market.

STRs are having a dangerous effect on our housing stock. In L.A., a city desperate for more affordable housing, 11 units of long-term rental housing are being lost daily to STR conversions, according to a report from the Los Angeles Alliance for a New Economy. The report says people are converting rent-controlled units into commercial STR operations, and long-term rent-control tenants are being evicted. The loss of these units in the long-term rental market has driven up total housing costs for L.A. renters by more than \$464 million in the last year. (Read more in this Los Angeles Times article, "Rental sites like Airbnb aren't as innocuous as they pretend.")

The trend for STRs is away from "shared spaces," where owners are present. Individuals are now purchasing single-family or multifamily units to turn them into STRs — creating a business — to the considerable detriment of their neighbors. Some short-term renters turn these locations into party houses, creating noise, traffic, and a public nuisance. In such instances, neighbors who need a night's sleep to work the next day or who have school-age children are disturbed. In my neighborhood, a home owner leased her property for a year to someone she believed was occupying it, only to learn he listed it on one of the STR sites as a "commercial party house." Some 500 people being charged \$125 apiece crammed narrow, winding canyon roads by illegally parking and throwing trash everywhere. When the property owner was alerted, she was shocked and started eviction proceedings.

STRs pose big risks for the home owners who are leasing their properties: Home insurance typically covers only owner-occupied or long-term rental homes. Damage to an STR likely isn't covered. Airbnb seems to have addressed this problem with its "host guarantee" that offers up to \$1 million for property damage caused by short-term renters, but owners should read the fine print: Airbnb itself says its policy "should not be considered as a replacement or stand-in for homeowners or renters insurance." Most notably, it doesn't cover liability at all. The fine print also suggests that property owners try to settle with the guest first. If no settlement can be reached, they have to document the damage and submit to a possible inspection. Airbnb won't cover "reasonable wear and tear" — whatever that means — and limits compensation for high-value items such as jewelry and artwork. So, really, how much can a host expect to be protected?

The negative impact of STRs goes far beyond the immediate neighborhoods they're in. Every region has environmental challenges, and short-term renters who are unfamiliar — or unconcerned — with those challenges could pose a big threat. California is in the midst of a severe drought. Imagine if a short-term renter who knew nothing of the threat — or didn't care — threw a cigarette butt over a balcony onto dry brush?

*Worst of all, the growth of short-term rentals has pitted neighbor against neighbor, with neighborhood organizations joining forces to fight STRs. Some cities are calling for stricter STR regulations or outright bans, but who will pay for enforcement of these rules? In fairness, STR websites and their customers should pay the bill. Local taxpayers would prefer to see their tax revenue used for better schools, roads, and public transit.*

*Those who support STRs speak of the financial help it has provided and the interesting visitors they have met. STR hosts say they provide lower-cost accommodations than conventional motels and hotels. Well, hotels and motels pay taxes and employ millions of people. They are required to meet public-safety laws, including fire exits, sprinklers, and habitability. Unregulated STRs are not currently subject to these provisions, and many “hosts” would like to keep it that way.*

*The real estate industry is caught in the middle of a fight between those who oppose STRs and the property owners and companies promoting them. But practitioners selling real estate should keep this in mind: A single-family home or condo unit next door to a short-term rental — where the occupants change every few days — will take longer to sell and bring in lower offers. You never know who your neighbors could be, and that’s a classic situation of property stigma.*

*In the future, real estate agents could be required to disclose to a seller or long-term renter the existence of a nearby STR. The California Association of REALTORS® may soon ask its Forms Committee to add a question to the Seller’s Property Questionnaire: “Is your home across from or next door to a short-term rental?” If agents fail to disclose nearby STRs they know about, they could open themselves up to a lawsuit by unhappy clients who end up living next door to one.*

*The real estate industry needs to take a stand to protect residential zoning laws against STRs. Without this protection, property values will decline and cause neighborhood stress and disruption. Real estate agents will have another obstacle to overcome in marketing properties and could expose themselves to liability. Saving our communities and protecting our property values is the mission of our industry. I have worked hard as a real estate broker to pay for my home of 29 years. I did not buy in a transient motel zone and do not believe that the profit motives of these short-term rental companies and a few property owners should be allowed to negatively impact my home’s value, peace and quiet, and safety.*

**RELATED CONTENT:**

*VRBO, Airbnb, and You*

*Are Mega-Investors Changing Rental Housing?*

*Investment Allure: Get Buyers on the Gravy Train*

**Average**

**Your rating**

*4.5 out of 5 stars*

*4 out of 5 stars*

Attachment #4  
K

## POSITION STATEMENT

The following statement represents the position of the Homeowners' Alliance for the Preservation of Casco's Residential Neighborhoods.

The Alliance is comprised of the homeowners listed below and residing in the following Casco neighborhoods: Sunset Shore, Mount Pleasant, Highfield, Glenn Shores, Miami Park and Eaton Park.

The Alliance seeks to maintain the integrity of Casco's residential subdivisions by preserving current zoning in the residential districts and maintaining current limitations relative to single-family residential uses.

The Alliance is opposed to amendments to zoning that would permit the operation of commercial short-term rental homes, transient lodging operations and/or unsupervised motels (the "Transient Lodging Operations"), within the residential zone districts regardless of whether such operations are regulated.

The Alliance is opposed to any amendment to zoning that treats all rental activity as equal and fails to acknowledge the substantive and material differences between Transient Lodging Operations, incidental rental activity (generally recognized under Federal and State tax laws as rental activity occurring less than 15 days per annum) and residential leasing (generally recognized to occur in minimum terms of 30 days).

The Alliance opposes amendments to zoning that fail to acknowledge the inherent and fundamental incompatibility of Transient Lodging Operations with the peace and quiet enjoyment entitled to all residents in the residential zone districts.

The Alliance offers the following observations and commentary in response to the proposed regulatory ordinance presently under consideration by the Board (the "Regulatory Ordinance"):

**The proposed Regulatory Ordinance (intended to be adopted outside of the procedures and processes required of changes to zoning) cannot amend zoning or render legal what is presently unauthorized and impermissible under Casco's Zoning Ordinance:**

1. Casco's Zoning Ordinance ("ZO") presently limits permitted uses to "single-family dwelling" in its residential zone districts. "Hotels" have never been a permitted use in Casco's residential zone districts and are relegated to zones allowing commercial uses.

2. Transient Lodging Operations most closely fit Casco's definition of "hotel." The Transient Lodging Operations do not satisfy Casco's definition of "single family dwelling."
3. The Michigan Supreme Court has ruled that transient lodgings/short-term rentals do not constitute a use as a "single-family dwelling" for the purposes of zoning. *Laketon Twp v Advanse Inc*, 485 Mich 933 (2009). The Allegan County Circuit Court ruling in the Sunset Shore case was consistent with the Michigan Supreme Court in its interpretation on this point.
4. A zoning ordinance must be enforced based on the intent as expressed in the plain language of the ordinance and the definitions contained therein. In other words, the private beliefs, thoughts or intent of those individuals involved in drafting or enforcing a zoning ordinance are of no legal significance and do not supersede the plain meaning as interpreted by a court of law. Only a judge is authorized to interpret the law. A judicial interpretation is effective as of the date on which the interpreted ordinance was originally adopted.
5. Because uses that are not expressly permitted are prohibited under the ZO, Transient Lodging Operations cannot be "authorized" in the residential zone districts without an amendment to the ZO adding Transient Lodging Operations to the list of permitted uses.
6. Amendments to the ZO can only be made pursuant to Michigan's Zoning Enabling Act ("ZEA") and in strict compliance with the procedures and requirements laid out for zoning amendments.
7. Township compliance with the ZEA ensures that the requirements of due process are satisfied – public notice rights, public hearing rights before the planning commission, and referendum rights are preserved when action is taken in accordance with the ZEA.
8. If the Township attempts to alter land use rights by circumventing the process required by law for zoning amendments and purports to authorize a presently unlawful use through a "regulatory ordinance," it will have acted illegally and outside its authority granted by the Michigan Legislature to townships. Any such effort would be deemed an ultra vires act by the circuit court and would have no legal effect on the continuing illegality of Transient Lodging Operations within the residential districts.
9. As the proposed Regulatory Ordinance cannot render lawful an activity that is presently unlawful under zoning, the Board's present effort to adopt such an Ordinance can only operate to mislead and confuse the public. Until such time as Casco's Zoning Ordinance is amended in accordance with the requirements of the



ZEA (and survives referendum), the Regulatory Ordinance can have no meaningful effect except to mislead the public into believing that the regulated activity is also permitted.

**Accordingly**, the Alliance hereby request that this Board observe the requirements of the law pursuant to the ZEA and refer the matter to the planning commission.

Further consideration and/or adoption of the Regulatory Ordinance by the Board absent a prior and lawful change to the Zoning Ordinance can only continue to generate confusion and public distrust surrounding the matter

The Alliance offers the following additional materials for the Board's information. (1) An article produced by the MSU Extension addressing the distinction between township authority as relates to regulatory and zoning laws; (2) A form of ordinance recently adopted by Spring Lake Township that acknowledges the impermissibility of short-term rentals in the R-1 and R-2 zones and draws appropriate distinctions between short-term rental operations, incidental rentals of less than 14 days per annum and residential leasing.

---

Respectfully,

The Homeowners' Alliance for the Preservation of Casco's Residential Neighborhoods

Victoria Turbov	Sara Tollefson
Joseph Glueckert	Tom Tollefson
Jeremy Goldberg	Judith Newman
Gilbert Adelstein	David Jordan
Harriet Adelstein	Laurie Honor
Charlie Zeller	Bill Watt
Bob Curtis	Kathy Watt
Sharon Curtis	Sidney Speiser
Rose Kirklin Bauckham	Susan Speiser
Bill Cole	Carl Schwartz
Sandy Cole	Lois Schwartz
Bonnie Byer	Chris Barczyk

Ren Wright

Greg Haas

Edward Cohen

Norma Cohen

Robert Goldberg

Bill Bower

Larry Massie

Priscilla Massie

Blake Hardin

Raechel Hardin

Sarah Clark

Dan Clark

Gary Miller

Marcia Miller

Neal Wolf

Laurie Wolf

Jim Stout

Lisa Stout

Brian Hoffman

Connie Hoffman

Doug Hoffman

Deb Hoffman

Paul Brazda

Linda Brazda

Sydney Berens

Kristin Barczyk

Valerie Baas

Gary Greenspan

Marci Hayes

Mark Coddington

Colleen Coddington

Hugh L. (Larry) Scott

Cheryl M. Scott

Janis Stetzel

Eric Stetzel

Michael Uldriks

Sally Uldriks

Nasry Rizk

Claire Rizk

Paul Swanstrom

Donna Swanstrom

Andrew Uryga

Laura Uryga

Katie Kean

Luis Toledo

Marjean Toledo

Scott Berens

Mitzi Berens

Libby Berens

David Thomas

Kathleen Thomas

**(Additional names forthcoming)**

Larry Koehler

Mindy Koehler

Rick DePauw

Kelley DePauw

Kirk Leftwich

Carson Leftwich

Tim Isaacson

Jenny Isaacson

Bill Jackson

Gail Jackson

Vicki Slocum

**(Additional names forthcoming)**

Bill McManaman

Betsey McManaman

Jim Romano

Michelle Romano

Chase Hardin

Maureen Conley

Gerald Olsen

Ralph Ellis

Mike Hoban

Nancy Hoban

Maureen Massie

Micheal Lynch

Melinie Ice

Frank Sisson

Mrs. Frank Sisson

Sydney Berens

Thomas L. Reece

Sandra M. Reece

Rebecca Vanderbeek

Robin Novotny

Elizabeth Clark

Dr. Brower



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MEMORANDUM

**TO:** Mr. Al Ellingsen, Casco Township Zoning Administrator VIA E-MAIL ONLY  
**FROM:** Ronald A. Bultje  
**DATE:** April 28, 2016  
**RE:** Sunset Shores Litigation

---

Al:

This Memorandum will confirm our telephone conference of April 25, 2016. During that telephone conference, we discussed the April 5, 2016 opinion of Allegan County Circuit Court Judge Kevin Cronin in the case of John Bauckham Trust, et al. v James and Linda Skarin, et al., commonly referred to as the Sunset Shores litigation.

In his decision, Judge Cronin found that in the Low Density Residential District for Casco Township, only two commercial activities are permitted by right. Those activities involve day care in family homes and adult foster care in family homes. Other commercial uses, such as bed and breakfast establishments, require a special land use.

Judge Cronin found that a property owner in Casco Township, whose property is in the Low Density Residential District, would engage in unpermitted commercial activity if the property owner were to rent a dwelling on the property in question. Judge Cronin found that rental of a dwelling in the Low Density Residential District is a commercial activity which is impermissible under the Township's Zoning Ordinance.

As you and I discussed, we do not necessarily agree with Judge Cronin. Indeed, a legitimate question is whether his rationale would even prevent a person who owns property in the Low Density Residential District from selling that property, because certainly the sale of that property is a commercial activity not specifically listed in the Zoning Ordinance. Further Judge Cronin's decision appears to prohibit all rentals of dwellings in the Low Density Residential District, even if the rentals are long term (e.g., several months or even more). Nevertheless, Judge Cronin has made his decision, and you have advised me that it is unlikely the decision will be appealed to the Michigan Court of Appeals.

Mr. Al Ellingsen

April 28, 2016

Page 2

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From a legal standpoint, the Township is not bound by this decision of Judge Cronin. The Township is not a party to the litigation, and the decision of Judge Cronin does not specifically apply to the Township.

On the other hand, from a practical standpoint, I certainly advise the Township to take some action after determining how it wants to proceed.

I assume that the Township is not inclined to do nothing, and simply let Judge Cronin's decision be the last word on this subject. Judge Cronin's decision would seem to eliminate all rental of residential property, and potentially even the sale of residential property.

Further, for the Township to not take any action would mean that any residential property owner who did rent that residential property would be subject to being sued by a neighbor, claiming a violation of the Zoning Ordinance.

Given that Judge Cronin has delayed his prohibition against rental activity until September 6, 2016, after Labor Day, the Township has this summer to consider this matter and decide how it wants to proceed. Given that at least two other area municipalities are considering regulations pertaining to the rental of lakeshore homes, my recommendation is that the Township likewise consider how it wants to regulate these activities and then adopt whatever ordinance it deems appropriate.

Furthermore, as we discussed, the Township could amend its Zoning Ordinance to address this situation, or the Township could adopt a regulatory ordinance. The advantages of a regulatory ordinance are that a Planning Commission public hearing is not required, and that a regulatory ordinance is not subject to the referendum procedure which applies to zoning ordinances adopted under the Michigan Zoning Enabling Act.

If you have further questions or comments pertaining to this matter, please advise.

Very truly yours,

**SCHOLTEN FANT**



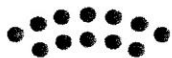
**Ronald A. Bultje**

RAB/skc

cc: **Mr. Allan Overhiser, Township Supervisor (via e-mail)**

Casco 110 Memo 04282016 Ellingsen re Sunset Shores Litigation

Attachment #6



**Scholten Fant**  
Attorneys

*Over 50 Years of Service*

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**CONFIDENTIAL - SUBJECT TO ATTORNEY/CLIENT PRIVILEGE**

**MEMORANDUM**

**TO:** Mr. Allan Overhiser, Supervisor  
Casco Township

**FROM:** Ronald A. Bultje

**DATE:** December 16, 2016

**RE:** Short-Term Rental Regulations – Potential Expenses

**VIA E-MAIL ONLY**

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Allan:

You asked that we provide Casco Township (the “Township”) with a Memorandum to provide some additional context to the short-term rental matter—specifically with regard to the potential risks and expenses the Township may face with various outcomes.

Currently, the status of the law regarding this topic is still relatively undeveloped—however, several courts have reviewed the issue and held that short-term rentals are commercial uses. When a reviewing court determines whether a use, such as short-term rentals, is permitted in a district, the court will invariably review what uses are permitted in the district and how each of those uses is defined. In general, when reviewing the definitions of single-family dwellings, Michigan courts have held that short-term rentals are inconsistent. See e.g., *Enchanted Forest Property Owners Assoc. v Schilling*, unpublished opinion per curiam of the Michigan Court of Appeals, issued March 11, 2010 (Docket no. 287614) and *Laketon Twp v Advanse, Inc.*, 485 Mich 933; 773 NW2d 903 (2009). In a recent Allegan County Circuit Court case, the Court also reviewed whether there were other commercial uses permitted in the district in question to determine whether the short-term use was appropriate. *Bauckham Trust v Petter*, case no. 15-054455-CH (April 5, 2016). Unfortunately, no court has determined yet what constitutes a short-term rental, and the rentals in question have all been discussed in general terms, such as language indicating they were rented for less than a month.

The series of above cases—in which courts held short-term rentals to be inconsistent with single-family dwellings—have only occurred within the somewhat recent past, and the call to municipalities to begin addressing their zoning ordinances began even more recently. Thus, the Township is not alone in deliberating about short-term rentals, and now is the perfect time to

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review the Zoning Ordinance regarding this issue. Below we outline the Township's options and the associated costs and risks.

As additional background we note that other states have dealt with this issue, and not all have agreed with Michigan. Courts in some other states have held that short-term rentals are still residential uses, and thus they are allowed in residential districts.

**A. If the Township Chooses to Do Nothing**

If the Township chooses to do nothing, given the current state of the law in Michigan, the Township and its residents would be permitted to bring court enforcement actions against those engaging in short-term rentals, and the outcome in court would likely be complicated and expensive.

The Zoning Ordinance permits dwellings in each of its residential districts, broken into categories of multiple family, single-family, and two-family dwellings—in which short-term rentals are occurring in various places in the Township. The terms “dwelling” and “single-family dwelling” have similar definitions to the definitions thus far reviewed by the Michigan courts in those types of rental cases.

As such, if the Township decides to leave the Zoning Ordinance exactly as it is and the matter is reviewed by the Allegan County Circuit Court, the Court will likely conclude that short-term rentals are prohibited in the Township's residential districts. If, however, the Court engaged in a review of other permitted, commercial activities, as it did in *Bauckham*, this could sway the decision—depending on the district. For example, there are a number of permitted commercial uses in the Agricultural District and the Rural Residential District. If the Allegan County Circuit Court reviewed short-term rentals in the Township, the Court could potentially find that they are permitted in some districts and not others, which would create even greater confusion, expense, potential litigation, and other concerns.

On the other hand, because the Zoning Ordinance currently does not specifically provide that short-term rentals are allowed in any residential district, the Allegan County Circuit Court could find that short-term rentals are not allowed in any residential districts.

**B. If the Township Enforces the Existing Zoning Ordinance**

If the Township takes the position that short-term rentals are not permitted in the Township under the Zoning Ordinance, the following outcomes could occur.

1. If the Zoning Administrator takes a position regarding when a rental becomes a short-term, commercial operation, the decision could be appealed to the Zoning



Board of Appeals. The Zoning Board of Appeals would hold a public hearing, complete a thorough review, and make a decision. At that point, the decision could be challenged in Circuit Court.

2. The Township could send a cease and desist letter to the property owners engaged in short-term rentals and pursue civil infractions against the offenders. If the property owner pleads not guilty to the civil infraction, the Township would have to take the matter to trial in District Court, at which point a judge or jury would have to determine whether the Zoning Ordinance has been violated. To take such a case through trial would likely cost several thousand dollars.
3. If the short-term rental persisted, the Township could also bring the matter to Circuit Court to obtain an injunction or some other court-ordered remedy. Alternatively, the Township could seek affirmative action from the District Court through the civil infraction process, asking the District Court to affirmatively prohibit the continuation of the short-term rental.
4. The property owner could bring suit against the Township, claiming the Township should be required to allow short-term rentals to continue as they historically have. At least one theory could be that the short-term rental is protected as a prior nonconforming use. This theory could work only if the property owner could prove that the short-term rental use was legal when it began.

This process would be repeated for every short-term rental in the Township—causing significant time, effort, and cost. Operating in this manner, if the Township intends to enforce the Zoning Ordinance effectively, will essentially guarantee a number of trials to obtain eventual compliance.

**C. If the Township Chooses to Permit and Regulate Short-Term Rentals**

If the Township accepts the direction of Michigan courts, that short-term rentals are not a use consistent with single-family dwellings, but it chooses to include them in the Zoning Ordinance and regulate them, it would give the Township regulatory ability, consistency, and balance. This would allow the Township to permit certain short-term rentals but also to regulate and limit them. More importantly, every short-term rental would be subject to the new regulations if we are able to successfully argue that short-term rentals were not previously allowed and therefore there would not be any prior nonconforming short-term rentals entitled to grandfathered protection.

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While a referendum challenging any amendments to the Zoning Ordinance could be a potentially negative factor, this option would not lead to any obvious or inevitable litigation like the other options listed above.

**D. The Issue of Long-Term Rentals**

So far, we have concentrated this Memorandum on a discussion of short-term rentals. The Allegan County Circuit Court case earlier this year was about short-term rentals, but the decision may have been broad enough to cover long-term rentals as well. The Township should decide if it wants to treat long-term rentals differently from short-term rentals, and if so how to define what is short-term and what is long-term.

**E. Financial Considerations**

If the Township intends to regulate rentals, the Township will of course have some costs. Further, the Township may have little choice regarding the regulation of rentals, one way or another, because either the Township will take enforcement action or neighbors of rentals may bring complaints to the Township and file lawsuits with the Circuit Court.

The Township could try to address the financial concerns by registering rentals and charging a reasonable registration fee.

**F. Planning Commission Consideration**

If this matter is referred to the Planning Commission, which is a legitimate option because of the impact this issue will have on the Zoning Ordinance even if the Township decides to regulate rentals through a regulatory ordinance, a list of issues the Planning Commission could consider would be as follows.

1. Will the Township distinguish between short-term rentals and long-term rentals?
2. If so, how will short-term rentals be defined, and how will long-term rentals be defined?
3. What types of rental activities will be allowed in residential districts of the Township?
4. What types of non-zoning regulations should be placed upon rentals?
5. How will the Township fund its rental regulation activities, and will the Township have adequate staff to accomplish these activities?

Mr. Allan Overhiser  
December 16, 2016  
Page 5

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Attorney/Client Privilege

Within each of these issues, there would no doubt be multiple sub-issues which would have to be resolved.

Please advise if this Memorandum raises any questions or comments, or if we can be of further service on this matter.

Very truly yours,

**SCHOLTEN FANT**



Ronald A. Bultje

RAB/

cc: Mr. Al Ellingsen, Zoning Administrator (via e-mail)  
Casco 110 Memo 12162016 Overhiser re Short-Term Rental Potential Expenses

Assignment #7

Chambers

October 17, 2016

Dear Casco Township Board,

I am a Casco resident on the east end of Lake Ridge Road in a Lakeshore Residential-B District. My husband and I also own property in Al Pertel Subdivision, which was an undeveloped platted subdivision behind us zoned R-1 when we built our home, that has since been changed to Medium Density for the purpose of allowing property owners to use the small platted lots to build homes if they own three consecutive lots. Over the years, we continued to purchase lots behind our home to protect our rural setting and fully understand the rights of property owners to build on their smaller lots. One reason we chose Casco for our home is well echoed in the Master Plan. Under Goals & Objectives, page 4, Quality of Life it states: **"The township should preserve its rural character in future planning while protecting natural resources"**, and again under Residential Development it states: **"Casco should emphasize its role as a rural residential community for seasonal & year-round residences."** A lot of thoughtful work went into the Master Plan and should be considered when new ordinances or changes to existing ones are made.

We do want to share our beautiful community with visitors who bring business to the area. Bed & breakfasts are a good example of acceptable short term rentals because they typically are on large pieces of land and have owners residing on the property. A part time resident / home owner building a home on the lake and renting it out when they are not there to subsidize the cost is another example. If they are well maintained nice homes with large enough lots and responsible home owners, I don't have a problem with that as long as they meet the ordinance requirements the board is in the process of setting. These examples are totally different from concentrating a large volume of vacationers into a small area like Medium density.

I have heard "What is the difference if you have a family permanently living in a home or a different family each week?" Living next to a resort town, if we are to be honest with ourselves, we know there is a difference between neighbors invested in their community, and a vacationer maximizing their stay by partying and squeezing everything in to a few short days, until all hours of the night. We have recently seen an example in South Haven when the south beach had to be cleared at the 4<sup>th</sup> of July fireworks because of an unruly crowd of visitors.

Squeezing short term rentals into a small area is where the line is crossed between "commercial" and "residential". For this reason, I think apartments, duplexes and row houses should be excluded from short term rentals. Rentals in small areas, such as medium density, would absolutely be in conflict with the "Quality of Life" section in the Master Plan. Noise, traffic, littering, policing and fire issues are just the beginning. This would certainly change the rural character referenced in our Master Plan. Imagine Officer Katje trying to keep up with the increase if our whole Medium Density area went to "Motel type Rentals". Which is not that implausible. We must look down the road.

Casco can support both sides of the short term rental issue, by requiring a 50' setbacks from rear and side lot lines in all districts, restricting to unattached single family houses, quiet hours, limiting number of occupants, providing adequate parking, etc.

There is currently some kind of development going in at the west end of 102nd, which butts up to our property on 2 sides. My husband, myself, and other neighbors, have been trying to find a site plan for the development. The township has not been given one. The previously wooded area has been clear cut, raised several feet in grade, and water and sewer is going in now. A lot of money has been invested into a project with no plan! I have not been able to find any kind of study or permit protecting us from water shed and drainage problems. Might we be setting ourselves up for another water shed problem like we had at the southwest corner of Casco?

The secret nature of the project is what really bothers me. One reason for this undisclosed plan might be that the developers know the Board is currently working on a short term rental ordinance. If a site plan were provided before the ordinance is completed, a light would certainly go off in trustees' minds. They would see a scenario where short term rentals would be a nightmare for the township. I ask you to take a minute to picture row houses with minimal setbacks squeezed into a small area. I realize that is allowed in the medium density area on 102<sup>nd</sup>. But now, picture it as short term rentals where you have what is equivalent to several motels squeezed into a very small area, all vacationers with no emotional or financial connection to Casco, each unit being rented by individual owners. This would eventually result in current owners of the big homes on the lake leaving. Why should they put up with that when they came here for our rural community? As they leave, they would only be replaced with more of the same that drove them out. This problem would continue to grow as locals sell out to more developers. No new single family growth would occur near this. Our Master Plan for a rural feeling would only be a memory, not to mention the problems we would have with crime, noise, littering, traffic, etc. This is a turning point for our community where you, as our elected trustees, have the power to prevent a disaster. Short term rentals should not be confused with residential homes. Therefore, setback requirements for the short term rentals should apply equally to all zoning districts, regardless of low density or medium density.

Currently rentals of any kind are not provided for in our ordinance, therefore a moratorium on new short term rentals must be in place. I respectfully ask that before you pass a short-term rental ordinance, please look at the whole picture. Please close this loop hole so developers cannot take advantage of all of us. Develop a plan that allows you to look in the mirror and say "this is not a commercial business in a residential area" and is in keeping with the Master Plan for our rural community.

Respectfully,

Janet Chambers

Dear Casco Township Board:

My name is James William Chambers; I am a Casco Township resident, registered voter, homeowner, and taxpayer and I recognize there are multiple sides of the short term / long term rental story. On one side, property owners should have the right to pursue their options within the law. On the other side, when those pursuits infringe upon the rights of their neighbor, process, rules and enforcement come into play. So the questions become: Do we need written guidance? Has anyone done this before and can we learn from avoidable shortcomings? Is an ordinance a violation of owner's rights? And, how do we fit new written guidance without damaging existing residents?

***Do we need written guidance?*** The answer here is clearly, yes. The Casco Township Ordinance developed in May of 2014 is silent on the legalities of short term rentals. Absent of instruction, the rising industry of short-term rentals has filled that vacuum with a myriad of approaches. Eventually the inevitable happened and the enterprise ended up in court. Now the precedent is for us to follow. In June 2016, Casco residents brought suit seeking relief to prevent their neighbors from entering into short-term leases in the Sunset Shores subdivision. Those against the rentals alleged that short-term vacation slots violated deed restrictions which barred commercial activity in the subdivision. They also alleged that the short-term vacation rentals were a *nuisance per se* as the activity violated the Casco Township zoning ordinance, which prohibited most commercial activity in the Low Density Residential (LDR) zone in which the subdivision was located. In this case, the practice of short term rentals was judged to be a commercial activity which was against the CCRs of the community and contrary to zoning allowances. The key is *short-term rentals were judged to be commercial!*

As a base, the judge referenced a 1974 Michigan State Supreme Court decision which recognized the propriety of private citizens bringing action to abate public nuisances arising out of violations of zoning ordinances.

***Has anyone done this before and are there avoidable shortcomings?*** Recently Saugatuck, South Haven and St. Joseph traveled this road and answered the same challenges Casco is faced with today. St. Joseph and Saugatuck seem to have fallen on opposite ends of the spectrum with St. Joseph being the more restrictive in location and registration. On the opposite side, Saugatuck has taken a lesser more restrictive approach in an effort to increase the influx of tourism. And more recently, South Haven has followed suit landing somewhere on the St. Joseph side of center. None of the answers have been perfect and all have met shortfalls meeting higher demands for registration that is difficult to monitor, accurate occupancy counts, increased noise, illegal parking, increased trash, and an added burden on law enforcement.

All of the ordinances accept the single-family residence as an acceptable practice because of shared spaces where owners elevate and police the behavioral expectations placed on the renters. The difficulty seems to hinge on the use of multi-family units being turned into commercial short-term rental units under the guise of the multi-family development. In short this is the commercial enterprise already ruled on by the courts.

A recent report from REALTOR Magazine (12/15) states: "The trend for STRs is away from "shared spaces," where owners are present. Individuals are now purchasing single-family or multifamily units to turn them into STRs — creating a business — to the considerable detriment of their neighbors. Some short-term renters turn these locations into party houses, creating noise, traffic, and a public nuisance. In such instances, neighbors who need a night's sleep to work the next day or who have school-age children are disturbed.

The State of Michigan has recognized this too. In a letter from the Casco Township Zoning Administrator to the Township Board in June 2016, Alfred Ellingsen states that "Michigan appears to be one of the states that is leaning toward the disallowance of short-term rentals as a property right especially in higher density, smaller lot subdivisions that comprise Casco Township, especially west of Blue Star Highway.

The lesson before us is simple: provide strict guidance for the owner shared short term rental and, absolutely no questions asked, prohibit multi-family developments which will depend on short term rental opportunities for viability.

As a property owner bordering the 102<sup>nd</sup> public works project, this is my worst nightmare and completely avoidable.

***Is an ordinance a violation of the property owner's rights?*** Absolutely not. Property owners and developers who purchase in pre-zoned areas have accepted the rules of that zoning. They do not have the right to turn their development into a commercial enterprise to the detriment of everyone else in that zone anymore then to redraw property lines creating their own hardships to influence future variances. In addition, if the CCRs of your community do not allow short-term rentals, abide by the law. It is not your neighbors fault you did not do your homework.

***How do we fit new written guidance without damaging existing residents?*** Given the lower court and State Supreme Court rulings and the shortcomings identified in local and national trends, I urge you to set a stand-alone ordinance with strict guidelines for single family shared short-term rentals. Prohibit short-term rentals in multi-family developments especially those in medium and high density zoned areas as pointed out by the State.

In fairness to those already here, costs of enforcement of the strict rulings should roll to those gaining profit from the industry. Include provisions to cover the financial burdens of increased registrations and increased law enforcement, additional parking and road maintenance, and larger setbacks with visual screens to shelter neighbors from sites and noise. Without this protection, property values are sure to decline pitting neighbor against neighbor on who is to blame.

None of us here tonight bought into a transient motel zone and do not believe that the profit motives of short-term rental developers, outside of the shared property model, should be allowed to negatively impact our home's value or family's peace and quiet, and safety.

Respectfully,

Bill Chambers

Attachment # 8  
Claver

December 15<sup>th</sup>, 2016

Cary and Lisa Claver  
7266 Atlantic Ave  
South Haven, Mi. 49090  
847-602-5084  
CCLaver27@Comcast.net

Casco Township  
Attn: Alfred Ellingson, Zoning Administrator

Dear Mr. Ellingson

This letter is in response to the proposed Casco Township short term rental ordinance that the township board is considering this Monday, December 19<sup>th</sup> which may curtail the ability of property owners to rent their homes out to people using local real estate companies or using online sites such as VBO, Home Away or Airbnb.

My wife and I recently built a new home this past summer in the Miami Park subdivision. We are thrilled to be new residents in the area and we look forward to spending many days at our new home enjoying the incredible Lake Michigan coast line and all the other attractions in the area. When we completed our home we began to meet some of the neighbors and we were welcomed with mixed results. A few residents immediately grilled us if we were going to be renting our home out and that the owners that rented were causing issues in the neighborhood. We stated we had not considered renting out our home and we just want to enjoy it for now for ourselves with family and friends. But clearly there was a level of distrust from some very bitter residents. Over time we got the sense that there was a small group of people who just didn't like that there was a lot of new development in the Miami Park subdivision. Our builder had many complaints against him for all sorts of things even though we always tried to be a good neighbor during the building process. In the short time we have been in our home we can say that our experience in Miami Park has been just great and most people have been nice. We have not witnessed any issues with renters, visitors or other property owners. We are saddened that this posse of folks wants to just file complaint after complaint that has no basis around damage to themselves or their own property.

With regard to having people rent out their homes to vacationers and other visitors throughout the year, (although we have not made decisions to do that ourselves), I feel it's within the rights of those property owners to rent out their homes to whoever and however they wish as long as no laws are being broken and they respect the rules of the tram and stairs associations in Miami Park. A homeowner can be a landlord I believe at any time and while many municipalities do have ordinances on renting I don't feel any additional ordinances are necessary at this time for short term rentals.

I feel some of the proposed ordinance standards are not practical, unenforceable, and even knowing who is a renter and who is not at any given time is difficult to ascertain. As an example, if I want to let my brother and his family use our home over the weekend (and I certainly would not charge him a fee) is he considered a renter? Same with friends and others I allow using the home.

The South Haven area and surrounding community has long been a destination for vacationers throughout the Midwest. The ability for many property owners to rent their homes out allows more



people to visit the area, providing an economic boost to the community. This in turn creates jobs and a solid tax revenue base. Should renting homes be restricted or banned it most certainly would have an impact in bringing visitors to the area and lower our property values.

Please respect our property rights as owners and not give in to a small minority of people who are just plain upset about the growth of their area and the influx of new friendly neighbors such as ourselves.

Sincerely

Cary and Lisa Claver

Attachment #9

Cutler



Cheryl Brenner &lt;cascoclerk@gmail.com&gt;

**Fwd: Short term rentals**

1 message

Al Ellingsen &lt;skwirely@frontier.com&gt;

Sat, Dec 17, 2016 at 2:57 PM

To: "Allan Overhiser (awo@i2k.com)" &lt;awo@i2k.com&gt;, clerk@cascotownship.org

----- Forwarded Message -----

**Subject:** Short term rentals**Date:** Fri, 16 Dec 2016 13:43:17 -0500**From:** scutler@wmis.net**To:** skwirely@frontier.com

To whom it may concern:

I am a property owner who has rented in Miami Park. I manage the property myself, clean after renters some of the time and do my own yard work. I love the area, beach and all amenities the town and surrounding area has to offer. There are a lot of benefits the township has undoubtedly received with short term rentals in generating tourism, money and amenities in the township and all surrounding areas.

I have rented 3 different homes at separate times in Miami park since 2013. I currently own 7237 Orchard Road. Never once has anyone complained to me personally about renting my homes. My husband and I are hoping to retire to the area someday. Being able to rent on a short term basis allows us to build equity, pay our taxes and mortgage etc so one day we can retire to a home we otherwise would not be able to afford.

I am a very involved landlord/owner. I drive by my home on Orchard most summer weeks when I have renters. I stay in contact with my renters during their stay. I make renters sign an agreement which states many rules about being my guests and let renters know if they don't follow the rules they will be asked to leave. My neighbors are Rick Potts and Hunter Thurman. Both have my numbers on their phones and have been informed by me if any problems should occur to please contact me immediately. Never once have I received a complaint. Both my neighbors have informed me my renters have been friendly quiet families. I have spent a fair amount of time in Miami Park in these past few summers. Only once have I saw or heard anything that was out of the norm or disturbing. There was a hose running across Atlantic Avenue to a group of people who were camping in the summer of 2015. My husband and I looked at this scene and both commented that we were glad we weren't looking at something like that across from our home. We choose not to complain about them being that these people were our neighbors and we'd would rather try and live in peace than raise trouble for them.

I have read what the City of South Haven has enacted and have no problem with anything in their ordinances. I encourage the township of Casco to adopt similar guidelines short term (something temporary until you can put language approved by attorneys etc in your books) and long term. Short term, to negate frivolous lawsuits from neighbors in Casco township and not allow people to make complaints who they have personal vendettas against. In the long term to provide guidelines to enforce so all can live in harmony with each other.

Sincerely-

Susan Cutler

6168902328

Attachment #10 Greenspan

**September email to Casco Township:**

To Casco Township Board of Trustees:

On behalf of Mt. Pleasant Subdivision, this is an objection to Casco Township changing the Lake Front Low Density Residential zoning or passing ordinances to allow commercial vacations rentals.

Mt. Pleasant was established as a residential community in 1924 and has flourished through many generations as single-family residential community. In the past, a small amount of renting did occur on Mt. Pleasant. These rentals were arrangements between a homeowner and renters with whom the owner was familiar. Typically, one family would rent a home for several weeks. These rentals had no adverse effect on the community. We still maintain this type of rental.

Websites like *Vacation Rentals by Owners* have brought an entirely different element of rentals. Renters arrive expecting to be in a resort. They are unfamiliar with our rules and our facilities. Larger homes have been built, and instead of one family in a cottage, we now have three to four cars in front of a rental home with several families in one house.

The usage of community assets in an owner occupied home is higher on the weekends and fairly low during the week. Renters are using our assets all week. Each week another set of renters, unfamiliar with our community, arrives in these rental homes. This commercial renting causes increased wear on our elevator and recreation center and safety concerns for our members. There is noise, speeding, litter, and fireworks at all hours.

Mt. Pleasant is a volunteer run community. We have no way to manage this population, and, despite our taxes, Casco Township cannot provide basic enforcement services for loud late night parties, fireworks, and speeding that one would expect in a municipality.

People all along the lakefront have invested in homes in hopes of finding a quiet place to live; they did not expect to be living in the midst of the chaos that often accompanies vacation rentals. This was made clear at the July Casco meeting on rentals. Our members have put a great deal of effort into passing association rules to curb the problems that accompany commercial renting.

For almost a hundred years, Mt. Pleasant has supported the tax base of Casco County. Many Casco residents have invested in homes for the same reason that generations keep coming back to Mt. Pleasant. Allowing vacation rentals will alienate, drive out, or fail to encourage these kinds of stable homeowners. If and when, the vacation bubble bursts, as it has before, Casco may be left with the empty homes that many of us remember along the lakefront in the 1950's and 1960's.

If Casco Township is determined to support this commercial activity, why not designate a specific area for weekly rental homes, without undermining the values and way of life of residents who have come to Casco to live in a residential community. Please take long-term view of the value of Casco Township instead of supporting those who profit from the quick turn over of vacation rentals that detract from the established character of the lake front communities.

Gary Greenspan

President

Pleasant Community Circle Home Owners Association, Inc.

--

Victoria Turbov, NBCT  
English Department Chair  
North Grand High School  
4338 W. Wabansia

Attachment # 11

Greenspan



Cheryl Brenner <cascoclerk@gmail.com>

**Fwd: Filing Vacation Rental Commlaints**

1 message

Al Ellingsen <skwirely@frontier.com>

Sat, Dec 17, 2016 at 2:57 PM

To: "Allan Overhiser (awo@i2k.com)" <awo@i2k.com>, clerk@cascotownship.org

----- Forwarded Message -----

**Subject:**Filing Vacation Rental Commlaints

**Date:**Fri, 16 Dec 2016 11:08:22 -0600

**From:**Turbov, Victoria <vaturbov@cps.edu>

**To:**graffj@2k.com, skwirely@frontier.com, Supervisor@cascotownship.or

**CC:**Lois Schwartz <carloveslois@gmail.com>, Laurie Honor <l.honor@comcast.net>, Eddieandnorma <eddieandnorma@att.net>

We understand that it was stated by a Casco Township representative that, other than Miami, there have been no complaints filed from the Casco lake shore communities about vacation rentals

Please note that the Mt. Pleasant Board sent the email included below to the Casco Clerk on 9.18.16. Several Mt. Pleasant members and/or our attorney have been at every Casco meeting on rentals to voice our community's opposition to commercially based renting.

We have not filed any specific complaints since Labor Day because Mt. Pleasant is predominately made up of summer homes that are closed by October. There are many Mt. Pleasant homes that are currently being rented for the next summer season on vacation rentals sites. You can expect that complaints will be filed by the Mt. Pleasant Board

We appreciate the effort to enforce the court finding on vacation rentals that will preserve Caco Township as a place that has attracted generations of home owners to communities along the lake front. Our members do not want to live in an unsupervised resort atmosphere and are concerned about the resulting falling property values.

Sincerely,

Gary Greenspan

President

Pleasant Community Circle Home Owners Association, Inc

Attachment #12

Greenspan

From: "Turbov, Victoria" <vaturbov@cps.edu>  
Subject: Filing Vacation Rental Complaints from Mt. Pleasant  
Date: Fri, December 16, 2016 3:18 pm  
To: graffj@i2k.com, Supervisor@cascotownship.org  
Cc: "Lois Schwartz" <carloveslois@gmail.com>

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Please note that the Mt. Pleasant Board sent the email included below to the Casco Clerk on 9.18.16. Several Mt. Pleasant members and/or our attorney have been at every Casco meeting on rentals to voice our community's opposition to commercially based renting.

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Sincerely,

Gary Greenspan

President

Pleasant Community Circle Home Owners Association, Inc

**September email to Casco Township:**

To Casco Township Board of Trustees:

On behalf of Mt. Pleasant Subdivision, this is an objection to Casco Township changing the Lake Front Low Density Residential zoning or passing ordinances to allow commercial vacations rentals.

Mt. Pleasant was established as a residential community in 1924 and has flourished through many generations as single-family residential community. In the past, a small amount of renting did occur on Mt. Pleasant. These rentals were arrangements between a homeowner and renters with whom the owner was familiar. Typically, one family would rent a home for several weeks. These rentals had no adverse effect on the community. We still maintain this type of rental.

Websites like *Vacation Rentals by Owners* have brought an entirely different element of rentals. Renters arrive expecting to be in a resort. They are unfamiliar with our rules and our facilities. Larger homes have been built, and instead of one family in a cottage, we now have three to four cars in front of a rental home with several families in one house.

The usage of community assets in an owner occupied home is higher on the weekends and fairly low during the week. Renters are using our assets all week. Each week another set of renters, unfamiliar with our community, arrives in these rental homes. This commercial renting causes increased wear on our elevator and recreation center and safety concerns for our members. There is noise, speeding, litter, and fireworks at all hours.

Mt. Pleasant is a volunteer run community. We have no way to manage this population, and, despite our taxes, Casco Township cannot provide basic enforcement services for loud late night parties, fireworks, and speeding that one would expect in a municipality.

People all along the lakefront have invested in homes in hopes of finding a quiet place to live; they did not expect to be living in the midst of the chaos that often accompanies vacation rentals. This was made clear at the July Casco meeting on rentals. Our members have put a great deal of effort into passing association rules to curb the problems that accompany commercial renting.

For almost a hundred years, Mt. Pleasant has supported the tax base of Casco County. Many Casco residents have invested in homes for the same reason that generations keep coming back to Mt. Pleasant. Allowing vacation rentals will alienate, drive out, or fail to encourage these kinds of stable homeowners. If and when, the vacation bubble bursts, as it has before, Casco may be left with the empty homes that many of us remember along the lakefront in the 1950's and 1960's.

If Casco Township is determined to support this commercial activity, why not designate a specific area for weekly rental homes, without undermining the values and way of life of residents who have come to Casco to live in a residential community. Please take long-term view of the value of Casco Township instead of supporting those who profit from the quick turn over of vacation rentals that detract from the established character of the lake front communities.

Gary Greenspan

President

Pleasant Community Circle Home Owners Association, Inc.

--  
Victoria Turbov, NBCT  
English Department Chair  
North Grand High School  
4338 W. Wabansia  
Chicago, IL 60639  
773.534.8520

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**Attachments:**

<b>untitled- [ 1 ]</b>
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James Hart

December 12, 2016

Mr. Allan W. Overhiser  
Township Supervisor  
Board of Trustees  
6317 107<sup>th</sup> Ave  
South Haven, MI 49090

Dear Mr. Overhiser and Board Members,

This letter and information is to address our concerns regarding short term rentals in Casco Township.

I want to take this opportunity to let you know about our situation. We purchased our home in 2010 after having rented homes along the lake for a number of years. I would like to point out that a couple of our renters have followed us and have purchased homes in the southwest Michigan area after spending a couple of weeks renting from us over the course of a few years. We consider this just one of the many benefits of allowing an owner to have short term rentals.

We love the South Haven community and everything it offers our family. The people, the parks and outdoor activities, the golf, the variety of stores and restaurants all provide a wonderful experience. Most importantly, the people in the community have been so warm and inviting. Unfortunately, some recent developments have added tension to those who live around us and apparently do not like sharing the Lake Michigan experience with others.

The benefits of short terms rentals, from our perspective, can be expressed in the following list of items:

- Additional dollars spent at restaurants, hardware stores, retail stores, gas stations, the farms who sell their goods or allow picking at their orchards, the theater, the marina, the guided fishing tours, realtors who manage the properties and many, many more. In running some numbers recently, I estimated that of the 389 rentals mentioned in our local paper (excluding condominiums) the average number of rental weeks may be 8 weeks out of 52 weeks per year (15% of the year) which equals 3,112 weeks annually. So, that could translate into 24,896 people in our community spending money. If they were to average, on the low end, \$50 per day, then the community would realize spending of \$1,244,800. Of course, this money has a multiplier effect of 3 to 7 times that translates into a much higher figure of \$3.7 to 8.7 million. The Oxford University Tourism Economics study indicated Allegan County visitor revenues were \$209.25 million in 2014.



- Homeowners pay real estate taxes. If one took an average tax bill of \$6,000, then that revenue stream would be \$2,334,000 per year.
- Repairs and maintenance, local shopping and local contractors add to the annual revenues that benefit South Haven. While every home owner is different, I can tell you that we have spent more than \$150,000 since 2010. Stated another more conservative way, if every home owner spends \$15,000 per year to keep their properties up to a quality rental condition, then the 389 owners collectively have a spending level of \$5,835,000 in the community each year. (Note: We have spent more than \$100,000 in home improvements alone since we have purchased the property.) Again, the economic impact using the multiplier effect translates to \$17.5 to 40.8 million. The Economic Impact of Travel in Michigan written by Tourism Economics is attached for your review.
- Marketing is a function we provide for the community. We provide brochures, advice, guidance and recommendations to local events, attractions, restaurants, and retailers for free. One could consider these owners an extension of the South Haven Visitors' Bureau who, in effect, work pro bono.
- Complaints seem to be coming from a minority of people. We have never had the police called to our property. None of our close neighbors have complained about the people renting our home. We have rules and guidelines written out and they are reviewed with each renter upon arrival. Many of our guests are multi-generational families who come from Ohio, Illinois, Indiana, Pennsylvania and Missouri. We do not rent out to people who want to celebrate their wedding (at least 50 requests have been denied). We talk to our renters and screen them so they do not cause problems in our community. It should be pointed out that 13 of the 53 homes in our neighborhood are year round residents. We find that our guests are as protective of our home as they are of their own. We are unable to use the property the entire summer due to the activities of our four children, but we do not mind sharing the Southwest Michigan experience with others. It gives us great satisfaction that our guests can enjoy time with their families in our community.
- Advertising is done by the State of Michigan. We have attached the recent report published by Longwoods International for your review (see attached.)
- Legal issues need to be addressed. Our home was rented by the previous owner and there are no restrictions in our deed.

There are many issues confronting all of you who serve us on the Board. We do not feel that this issue should be confrontational and divisive. A reasonable solution should enable those

who live here full time or part-time and those of us who rent properties to continue to live in harmony. Please feel free to contact me, if I can be of any assistance.

Sincerely yours,

A handwritten signature in cursive script that reads "Jim & Karen Hart". The signature is written in black ink and is positioned above the printed name.

James & Karen Hart  
Miami Park

From: "marv haveman" <marvhaveman@gmail.com>  
 Subject: marv haveman rental letter  
 Date: Wed, November 30, 2016 10:39 am  
 To: Supervisor@cascotownship.org,"marv haveman" <marvhaveman@gmail.com>

TO the board

There have been NO police calls to our area concerning renting PERIOD!!.. to open this discussion statement. My is name Marvin Haveman, I lived in Miami Park since 2004. I am in favor of being able to rent my home, which I do 3 to 4 weeks per year, I have never had any complaints....I do not know where this is coming from... I see NO evidence of this ...I have paid \$80,000. plus in taxes. I am shocked at this!!! Does not the township know vacationer brings dollars to this area ...ex. restaurants, shopping, wineries, farms ...most of the people that rent from us go to the u-pick farms, and to the vegetable stands... I can go on !

When we built our home, we were very much allowed to rent a number of weeks. I do not object to rules or regulations in this rental home situation, but to flat out not allow renting, is in my option a defeatist idea for this township and community. I also take issue in **paragraph f** below to "reported" (spied on) recommended by my own township, in the community I live in, this is unacceptable. To make things worse I have received harassing phone calls. WHAT IS GOING ON HERE !!!!

In **paragraph C** below I want to know what residents we are are "**protecting**" in this ordinance? by renting?? This is strong language and implies harassment from this residents point of view.

**Thank you for your time**

Marv Haveman/Dan Attala

7251 Beach Ave.

Maimi Park

## Casco events and meetings--updated Nov. 27, 2016 (5)

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Judy <graffj@i2k.com>  
To: Judy <graffj@i2k.com>

Sun, Nov 27, 2016 at 9:55 AM

Casco residents/property owners,

Below are the scheduled meetings and events in Casco and our community in the coming months:

### NOTE      **Recap of Casco Board meeting Nov. 21:**

1. The Casco Parks committee is starting work to update the Casco Park & Recreation 5 year plan. Resident comments are requested via emails to Bruce Brandon, Parks Chair, and through an online survey on the Casco Township website. Comments are due by Jan. 20, 2017. The plan is to complete the Strategy update by early summer 2017.
2. Casco property in Miami Park subdivision—signs have been installed marking township property lines. Plantings in subdivision are on schedule under Casco Board direction.
3. The hall roof needs replacement is completed.
4. SH Hospital affiliation with Bronson was approved by 89% of area wide voters and expected to be completed Jan. 1, 2017.
5. SH City approved to join the new Water/Sewer Authority. Representatives are working out details to be operational Ja. 1, 2017. New hook ups will enable the next bond payment will be made.
6. A request to add street lights on North Shore Drive was briefly discussed. The township does not currently provide street lights anywhere.in the township. Decision: TBD.

### **7. Rentals discussion:**

***a. Single family residences have been allowed to rent for many years, Allan Overhiser gave the Board a draft of a general ordinance from Casco's attorney to allow, with restrictions, for short term rentals. He stated that this is 1) a place to start looking at***

**specifics; 2) intended to solve the problems that renters are causing neighbors while also allowing single family renting; 3) would apply to all districts in the township.**

**b. Many fulltime residents at the meeting do not think any Casco ordinances, general or Zoning Ordinance, should allow renting. Residential districts should remain single family residential and that incidental renting (less than 12 days) is satisfactory. Many are concerned that 'transient renting' is changing their communities and requiring ongoing vigilance, impacting their lives. Absentee renters are causing many problems; local enforcement is ineffective. Property owners who rent stated that they also do not want problems, do their best to avoid them and are respectful of their neighbors.**

**c. Judy Graff stated that the township, whatever we do, must pay for and actively enforce all ordinances to protect residents.**

**d. Judy Graff requested another draft for the Board's consideration: what will be required to enforce Casco's current general and Zoning Ordinances so we can understand process, who is responsible and what will the costs and timeframe to enforce and litigate property owners who are in violation.**

**e. No decisions were made. Trustees are not in agreement on what should be done.**

**f. If anyone learns that someone is renting and in violation of Casco's ZO can file a complaint, with evidence, with the Casco zoning administrator for resolution.**

**g. Next meeting on rentals will be the Dec. 19 Board meeting.**

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**Attachments:**

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From: "marv haveman" <marvhaveman@gmail.com>  
 Subject: short time rental  
 Date: Wed, January 4, 2017 9:19 am  
 To: supervisor@cascotownship.org

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Hello Allan

I just wanted to let you know that I am in favor of short term rental....this is for vacationers that help us tax paying home owners.... these vacationer also bring big money into our community ..I know there is a planning meeting coming up...I cannot attend as my 89 yr old father needs me at this time .... So I need you to be my voice if you would be so kind ...we are not a airbnb where people come for a night and are gone....we rent to family and friends,and some folks that have stay with us for 14 yrs for a week in the summer months.

Thanks Allan  
 Marv / Dan Haveman

616.340.6038

**Attachments:**

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Attachment #16

Herrick



Cheryl Brenner <cascoclerk@gmail.com>

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**FW: Cottage Rental Issue**

1 message

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**Rick Herrick** <firstcut3@comcast.net>  
To: cascoclerk@gmail.com

Mon, Oct 10, 2016 at 3:37 PM

Hello,

I sent the email below to Judy Graff two weeks ago, and did not get a response, so I'm not sure if it was received. I understand that this is the email address that I should use to contact the Casco Township Board. Please advise receipt of my email, and pass this on to the board members at your next meeting. This is regarding the issue of cottage rentals.

Thanks,

Rick

Rick Herrick

President

First Cut Produce, Inc.

1515 Sherman Ave, Suite 2NE

Evanston, IL 60201

P: 847 332 1827

F: 847 332 1907

C: 847 682 6698



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**From:** Rick Herrick [mailto:firstcut3@comcast.net]

**Sent:** Tuesday, September 27, 2016 4:29 PM

**To:** 'GraffJ@i2k.com'

**Subject:** Cottage Rental Issue

Dear Ms. Graff,

I recently received an email from the Glenn Shores Neighborhood Association regarding Casco Township events and meetings. As a homeowner in Glenn Shores and a Casco Township property tax payer, I thought that I would communicate my opinion regarding cottage rentals.

While the Glenn Shores Neighborhood Association board has represented to us that the Association is neutral on the issue, it has come to my attention that many of the board members are communicating as individuals that they are against allowing cottage rentals (as is their right to do so). I just don't want you to get the impression that the neighborhood as a whole is against this. I certainly am not.

I purchased my home in Glenn Shores in 2011 as a second home. The real estate listing for the home when I purchased it, boasted about the rental income potential. This is not my primary residence, and I pay a much higher property tax, as an out of state homeowner. So to help offset this, and to help cover the upkeep of the property I have taken some rentals during the summer months. I have also rented from other homeowners in Glenn Shores, when hosting family reunions, to accommodate my large family.

The recent court decision regarding the rentals is troubling to me for a number of reasons, and I understand that it is on appeal. The fact that this activity has been taking place for decades, and has been woven into the fabric of the community is just one of them. I presume that the Township is waiting on the outcome of that case, before making any move to address any possible changes with the zoning in Casco Township.

One thing that the board should consider is the impact on the local economy, if seasonal cottage rentals were to be banned. The population of Casco Township increases dramatically during the summer months, with people from other areas coming to spend their family vacations. This activity supports the grocery stores, restaurants, inns, shops, farmers markets, golf courses, wineries, pubs, theaters, boating and canoe rentals, and the list goes on. I know of one business that specializes in cleaning and maintaining cottages that are available for rent, that employs many people. I know this because I have used them to clean my home. If you log on to VRBO, Home Away, or Airbnb, you will find hundreds of cottages for rent in Casco Township, and South Haven.

I live in a suburb of Chicago, and see all of the commercials on TV & touting "Pure Michigan", enticing us to come and visit. I have many friends and neighbors who have taken vacations along the West coast of Michigan, and I can't honestly recall one of them that stayed in a hotel. They all rented cottages. My point is that if vacation rentals were to be banned in Casco Township, the effects would be devastating, on the local economy. The ripple effect would hit home values and reduce tax revenue coming in from property taxes, sales tax, etc. This in turn would affect the money available for all of the things that municipalities provide- roads, schools, police, fire departments, hospitals, and the like.

I believed that this whole issue stemmed from a dispute between neighbors that could have been resolved in a more amicable forum. I have always asked my renters to be respectful of the neighborhood quiet hours after 11:00 pm, and have told my immediate neighbors to contact me if there is ever any issue with someone that has rented my home. It seems to me that some are stereotyping "renters" as undesirables which is unfortunate. I have found the few renters that I have had, to be decent and respectful people.



Please communicate this with the board at your next meeting.

Best,

Rick

Rick Herrick

President

First Cut Produce, Inc.

1515 Sherman Ave, Suite 2NE

Evanston, IL 60201

P: 847 332 1827

F: 847 332 1907

C: 847 682 6698



Attachment #17

Hickerson RE: Rentals



Cheryl Brenner <cascoclerk@gmail.com>

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**Vacation rentals**

1 message

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**Patty Hickerson** <sidein45@icloud.com>

Sun, Oct 16, 2016 at 11:05 AM

To: cascoclerk@gmail.com

Dear Casco Board,

We know you have some tough decisions to be made about vacation rentals in South Haven.

I understand both sides of the argument, but this is how it will affect us.

In 2007, we bought our home knowing that we would need to rent it as a vacation home in order to keep it. We use it about half of the summer and rent it the other half of the summer. If we can no longer rent it, we may be forced to sell.

Sincerely  
Barrett & Patty Hickerson  
7143 Maple Ave.  
South Haven, Michigan  
Grande shores

Sent from my iPhone

Attachment # 18

Krumm

December 15, 2016

Casco Township Board

Dear Messrs. Overhiser and Ellingsen

We are in receipt of your letter dated 12/6/16 concerning the matter of short-term rentals in Casco, and the consideration of the Board to adopt an ordinance in effort to regulate properties that fall into this category. Let me start by stating that we would be in favor of an ordinance that would distinguish a short-term rental property as a non-commercial entity with a "reasonable" set of regulations while allowing the continued operation of these properties as short-term rentals.

Our family made a significant investment in Casco Township, and specifically the community of Miami Park when we built our lake front "dream home" last year. We made this decision after nearly a decade of seasonal (short-term) renting in South Haven and Casco Township as we were drawn by the charm of "Big Blue" in the summer and the warmth of the people who live in this community. The decision wasn't an easy one given the amount of time and resources required to move forward with our project. However, at the end of the day we felt like we had made the right decision.

Our decision was bolstered by the idea of sharing our dream home with other new comers to the area while using the rental proceeds to offset some of the expenses associated with owning a second home i.e. property taxes... The latter heavily favoring the taxing body as we are not sending our children to school here or burdening the local public agencies for the better part of the fiscal year. Our situation is not unlike that of the many other families that first fell in love with this community as vacationers, spending long weekends or even weeks here, before eventually deciding to make it their second home and in some cases their first home...

We would strongly urge the board to also consider the economic impact of eliminating short-term rentals on this community, and the long-term effects of such a decision. Consider the real estate market saturation and the plummeting property values when dozens of what used to be rental properties begin to hit the market due their owners' unwillingness or inability to carry these properties, as a result. The equity in your own homes evaporated... With that being said, there is a case to be made for implementing an ordinance that would protect the rights of rental property owners and full-time residents alike. The City of South Haven had adopted such an ordinance last year, which from all indications has been proved successful. We hope the Board will make the responsible decision and that this community can continue to flourish and develop as it has over the years.

Kind Regards,



Victor & Kymberly Krumm  
Miami Park

attachment # 19

Labadie

Dear Casco Township Board Members:

December 19, 2016

I am writing to you on behalf of our family. We own the home at 26 North Shore Dr. North. Our mother resides in the main floor of the house and we use an upstairs apartment as a vacation rental and have done so for many many years.

We use Shores Vacation Rentals to manage the property for us. They book the reservations, screen the guests, and clean the property for guests as well as many other items. I can honestly report that in the many years we have rented that we have never had a single problem. Nothing. Ever. Not a police call, not a complaint from a neighbor, not even a complaint from our mother who lives downstairs all summer.

While we are not opposed to a common sense short term rental ordinance, we fail to see the need for it if there aren't truly any problems created by vacation rentals. I ask that you refer to the recent article in the South Haven Tribune dated 11/28/16 where the city manager outlines their findings after the first rental season with their rental ordinance in place. The city manager clearly states that all of the complaints and accusations against vacation rentals turned out to be unfounded.

Please let common sense prevail and if a simple verbiage change to the zoning rules will achieve the same results as taking months to draft a rental ordinance, we ask the board to do so.

Respectfully,

Brad Labadie

Mr. Allen Overhiser  
Casco Township Supervisor

RE: Discussion of proposed rental ordinance

Dear Allen,

I understand that conflict has arisen regarding the usage of township residences as short term and long term rentals. While our property is not and will not be offered for rentals, it had been offered a few weeks several years ago.

It is my belief that the specific problems need to be identified in order to deal with the objections of some residents to rentals. If the objection to rentals is that Owner A does not want to rent his property and wants his neighbors, Owners B, C and D to do likewise, then I think that you are asking the township to deny due process and face a litany of litigation and appeals. If the objection is to specific behaviors identified in the neighborhood, then an ordinance to address those behaviors can be written to restrict those behaviors. For example, if the problem is considered to be excessive noise, then draft an after hours noise ordinance to which all must comply. Or, if the problem is perceived to be too many occupants in a house, then draft an ordinance which states how many people may sleep there, party there or camp out overnight on a lawn, etc.. However, keep in mind that attempting to legislate the number of people allowed in one house has historically been used to discriminate in the housing sector and struck down by the courts. If the problem identified was late night fireworks, then draft an appropriate ordinance regarding hours of use, type of fireworks, days of the year, etc. Again, all houses would need to be in compliance. If the problem identified is trash, again, make the ordinance apply to all. Likewise, violations of existing speed laws. Such a statute would have to apply to all, to both owners who rent and to those who do not to avoid discrimination. Since either an owner's or a renter's behavior may pose a hazard to a community, it is the hazard which the ordinance should cover. Otherwise, if the residents of a rental house are being targeted with sole compliance, then the township's action would be discriminatory and in violation of equal protection clauses.

Key points to keep in mind:

**\*South Haven and surrounding townships are historically a tourist mecca dating back to the 1920's. This tradition has continued to present and is the basis for the health of the local economy. Reportedly, our area's population of 5,000 swells to 35,000 during the summer months. Just take a look at Phoenix Street in February vs July. We do not want the closed stores and empty sidewalks of February present in July, even though parking would be made easier, there would be the absences of viable businesses for all of us to patronize and find employment!**

**\*Housing values would plummet if our town/township restricted rentals. While a current property owner may not wish to rent, any future sale of their home by either the current owner or their heirs, would negatively impact their asset if the realtors had to revise their marketing and state upfront that rentals were not an option, or a viable option, in Casco Township. Nor, would vacant houses be good for the community. Zero growth of new home construction would burden us all regarding taxes, water and sewer bond payments and Casco Township growth projections. We are a segment of the larger string of Lakeshore Coastal communities that run up the entire Westshore of Michigan. Red-lining ourselves off the map is not in our best interest.**

**\*Primary homeowners' property taxes are considerably less than that of secondary homeowners. For those in the latter category, they pay a disproportionate share of their taxes supporting local schools with no personal benefit. While not all who rent are secondary homeowners, they may be again disproportionately impacted. This double whammy may be adverse to the real estate market, which affects both primary and secondary home valuations. In other words, again all homeowners are impacted.**

**\*The IRS does not consider fifteen days of rental proceeds as reportable income.**

**Therefore, I urge the township to focus on identifying just what is the problem and devote their energies to reaching a solution, whether it is through new ordinances, enforcing or improving upon existing ordinances. Then all within the township must comply. Telling your neighbor that you do not like what they are doing with their property is not sufficient in and of itself. Working together to set basic community goals which are applicable to all, strengthens the individual communities and subsequently Casco Township as they find common ground.**

**Thank you for considering these points.**

**Carol Leneway  
645 Lakeshore Drive  
South Haven, MI 49090**

Good afternoon Mr. Overhiser and Mr. Ellingsen -

To the Casco Township Board:

My name is Darren Massey and my wife and I own a number of properties in Casco Township mainly in Miami Park. I have recently become aware of some of the rental ordinance considerations the Casco Board may be evaluating. I own property on Pacific Avenue, Miami Avenue and Lakeview Avenue in Miami Park specifically.

I started as a vacationer to the area a decade ago and have owned property in Allegan County since 2013. We have a young family and love coming to this area as much as we can to shop, dine, pick apples and enjoy the magnificent beaches and forests available in this area. My wife and I are currently working on building plans and we intend to build a residence in Miami Park within the next 6-24 months. We love Casco and want it protected.

I have read the published Casco board minutes dating back a number of months and am aware of the Sunset Shore litigation that has prompted a good portion of this discussion.

I am writing to you to provide my comments to the board to encourage the protection of our property rights. I am supportive of property/residential home owners having the right to rent their residences both on a short-term and long-term basis. In my opinion, this is a basic fundamental property right that all property/residence owners have due to their ownership of that property.

I have no issue with "reasonable" rental restrictions being put in place including capping a residential rental at 12-14 people or the "2 person per bedroom" plus "2 additional people per floor of a residential home" guideline which a number of municipalities follow. I think that renting should be allowed in all residential districts of Casco. Every property owner should have the same right. Nationwide, several resort communities have established rules and regulations that both protect permanent residents while keeping their communities open and accepting to tourists and visitors.

Some visitors, like we were 10 years ago, decide to purchase property in these communities and lay down more permanent roots. I do not believe this is an issue that should be pitting permanent non-renting residents versus either permanent or 2nd Home property owners who wish to rent. We all love Casco and Southwest Michigan for our own reasons, but deciding to purchase property puts us all in the same boat. All residential property values are impacted by the decisions to allow short-term rentals or not. Property owners (whether full time or part-time residents who either rent or don't rent) who then eventually decide to sell their home will experience higher selling prices because simply having the option to rent adds value to residential property. Any local realtor can attest to this fact to the board.



I am aware that some individuals in Casco have claimed noise or disorderly conduct by renters in certain parts of Casco. I am not personally aware of any issues. All residents and visitors in Casco have rights; residents can be just as noisy as renters with parties and celebrations. If someone is causing noise in violation of current ordinances, the appropriate authorities should be called to deal with those issues. I have neighbors in the Miami Park subdivision of Casco and elsewhere in Casco who rent their homes and I am supportive of their rights to continue to do so.

My overarching concern is protecting property rights and property values. I strongly encourage the board to consider protecting property rights which includes the right to rent or lease your property both on a short-term and long-term basis. Again, property values can be significantly impacted if they are somehow precluded from the possibility of renting that property on either a short or long-term basis.

I am aware of the board's December 19th meeting and plan to be in attendance but wanted to provide the board with my written comments as well.

I am more than happy to speak with either of you or members of the Casco board.

Darren Massey  
[darren.massey@yahoo.com](mailto:darren.massey@yahoo.com)  
ph. 708-364-0334

Master-son

INBOX

Compose

Addresses

Webmail Info

email.fatcow.com

Fri, 12:57 pm

Check mail

Folders

-  **INBOX** (414)
-  Drafts
-  Sent
-  Trash (Purge)

Options

-  Change Settings
-  Folder Preferences
-  Message Filtering

Current Folder:

**INBOX**

Calendar

 Message List  Delete



**Subject:** Vacation Rental  
**From:** "terry masterson" <tmaster11@hotmail.com>  
**Date:** Thu, December 15, 2016 12:42 pm  
**To:** "supervisor@cascotownship.org" <supervisor@cascotownship.c  
**Priority:** Normal  
**Options:** [View Full Header](#) | [View Printable Version](#) | [Download this as](#)

Good Morning Allen,

Unfortunately, I will not be able to attend the Township Board Meeting on Monday.

So I just wanted to express my feelings and thoughts on the Vacation Rentals.

**Definitely do not want the Township to stop Vacation Rentals.**

Renting or selling your home should not be looked at as commercial use even know there is an exchange of money.  
 If I sold my car, boat, table... from my house that is an exchange of money but it is not commercial use of my home.  
 All the above advertise, use websites and take place int home but that is not commercial use.

I have spent all my life going to South Haven and the last three summers in Glenn Shores and have seen no problems with people who vacation in the area.  
 Actually, I like the influx of people. They bring in a choice of good restaurants, wineries, fruit stands , nice beaches..... Those are here because of the people that vacation here.

There is always two sides of the story so I wanted to give you my side. Wish you wisdom in your decision.

Thank you for your time.

Terry Masterson

**Attachments:**

Attachment # 23

Nakken

December 18, 2016

To: Casco Township Board

We own a home in the Mt. Pleasant subdivision in Casco Township. We purchased our home in 2008 and have enjoyed using it with family and friends. We have also offered our home for rent to people looking to spend their vacation in South Haven.

We have had no problems with any of our guests and all have left our home in great shape with no issues. I have renters from many areas in the U.S. and even Canada, with all stating that the beaches and area was one of their favorite spots to visit.

It is our understanding that Casco Township is now dealing with the issue of an ordinance for rentals. We believe any ordinance should be formed with the knowledge that most people who reside here for a week are respectful of neighbors and property just as are most permanent and seasonal homeowners. This seems to be an intrusion into personal property rights of everybody in the township. Mt Pleasant and I've heard a few other associations have addressed this with their community, sure do not need anymore meddling on our rights.

I plan on making this my home possible this spring and I for one have no problem with people renting their property, the renters I meet on the beach are typically families having a fabulous time. This will hurt or possible lose area businesses do to the rental ban.

Please do not listen to a few to punish the majority.

Sincerely,

Steve and Karen Nakken  
7227 Longfellow

Sent from Windows Mail

Attachment #24

Napowocki

**From:** Carol Ann Napowocki

**Sent:** Monday, December 19, 2016 5:33 PM

**To:** Carol Ann Napowocki

Dear Casco Township,

I would like to offer some thoughts regarding your current concerns regarding the limitations on summer rentals.

The fact that many of us live on or near Lake Michigan, our community will automatically attract families looking for a great spot to enjoy some time together. Recent changes in our tech savvy life styles have made finding great vacation spots a much simpler process and renters and renters are able to connect with each other very easily with VRBO and AirBB websites.

I'm concerned that a few residents believe that renters do not behave well and they do not believe they are a welcome asset to our communities. Many of us feel otherwise. Although there may be isolated instances where you may have a renter who isn't courteous, I would suggest that many full time residents may also behave the same.

I understand with change there is always resistance. So often we just want things to stay the same. I'm sure many folks were quite unhappy with the Model T as it drove into town and upset the horses.

Additionally, my experience with rentals in the South Haven community has led to at least 4 separate rentals turning into home buyers who have purchased, or built, homes so they could settle in the area. All this because they stayed here for a vacation.

Renters are a large financial contributor in keeping our communities thriving. They spend money, they eat out, they rent bikes, boards, and whatever other activity is available. Do you think the full time residences patronize those businesses as much as the short term renter? Probably not. If not the influx of summer rentals, where do you think the stimulus will come to keep many small business owners open?

Another insight: According to Answers.com, 21% of the US population own more than one home and their incomes tend to be higher. That second home translates into a larger tax base for the township as well as additional millage for the schools. I refer you back to the out of pocket spending that occurs while on vacation...they will spend approximately \$1200 per person while on vacation.

I understand this isn't just about money and is about our communities. We are a resort area and should understand this to be part of our world. It goes back to the 1940's Jewish resort era and continues on thru today. That was established long before many of those not wanting rentals purchased their homes.

Please don't take this away from us and eliminate summer rentals. Please don't listen to the voices of the loud few who don't want change. Please understand that rentals are essential to this community and many property owners. It's NOT a bad thing.

Carol Ann & Jerry Hall  
Lakeview Dr

Sent from Windows Mail

Attachment #25

Perideaux



Cheryl Brenner &lt;cascoclerk@gmail.com&gt;

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**Rental discussion**

1 message

**Maureen Perideaux** <perideaux@egl.net>

Mon, Dec 5, 2016 at 12:22 PM

To: Supervisor@cascotownship.org, CascoClerk@gmail.com, Treasurer@cascotownship.org, graffj@i2k.com

Dear Members of the Board,

I am writing to provide input regarding rentals in Casco Township.

As a full time resident, I believe we can find a balance between protecting our residential communities and allowing rentals that respect our community. Saugatuck Township has a policy in place that has been adopted by both Saugatuck and Douglas. It addresses the safety of residents, renters and emergency workers. It allows for renting within certain parameters.

The biggest problems with renting in my neighborhood are unsafe numbers of people in a single dwelling, noise, and parking. All night noise is a particular concern because many of us who live here have to work the next day.

Here is a link to the Saugatuck Township documents that we could adopt to preserve the integrity of our residential neighborhoods and respect those who wish to rent out their homes:  
[http://saugatucktownship.org/planning\\_zoning/firesafetyinspectionpermit.pdf](http://saugatucktownship.org/planning_zoning/firesafetyinspectionpermit.pdf)

Please acknowledge that you have received this message. I am unable to make it to Monday night meetings due to standing commitment to teach a class.

Peace,  
Maureen Perideaux  
7258 E Beach Drive  
South Haven, MI 49090

Attachment #2

Schwartz

To Casco Township Board of Trustees:

The importance of the designation of our area as "low-density residential" zoning cannot be over emphasized. In order to preserve the character and assets of our ninety-two year old community, Mt. Pleasant Lake Shore Subdivision has instituted rental regulations. Numerous problems had resulted from the availability of on-line renting resources, the change in rental patterns from "incidental" or long-term to "hotel type" week-end rental, and the purchase and construction of homes purely for the purpose of commercial rental. Thankfully, these regulations have meant a reduction in the number of problems, but we do not yet see all our problems solved. Our regulations allow a minority of residents who have historically felt the financial necessity to rent their homes on an incidental and conforming basis to continue to do so. It is reasonable and mandatory to exclude commercial rental. Our assets were created for residential use only.

We are aware that there may be developers who will attempt to influence Casco to change its zoning designations to allow for commercial rental. We are opposed to any change in the zoning. We appreciate the purpose with which Casco Township wisely and carefully set about creating a Master Plan with thoughtful input from residents over time. There should be no departure from that Master Plan. We compliment Casco on its efforts to seek input from residents regarding issues involved in rental activity.

Thank you for your attention.  
Lois & Carl Schwartz

7275 B Street  
South Haven, MI 49090  
269-637-6668  
carloveslois@gmail.com

Valenza

From: "Karin Valenza" <kvalenza@mac.com>  
 Subject: Rental Property Vote  
 Date: Fri, December 16, 2016 9:12 pm  
 To: Supervisor@CascoTownship.org,CascoClerk@gmail.com,Treasurer@CascoTownship.org,graffj@i2k.com

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Dear Casco Township Board of Trustees:

My name is Karin Valenza, and I have owned my home in Miami Park since Nov 2011. It is a seasonal home for my family and me, as I live and work in Shanghai, China as a school teacher at an international school there. It has been brought to my attention that there have been some issues regarding rental properties in the Casco Township this fall, and the board will be voting soon regarding this matter. I would like you to please consider that there are home owners in the township who rent their properties without any problems or complaints from neighbors.

I have been doing weekly rental of my home through Shores Vacation Rentals since Aug 2013. The guests who have rented my home are screened by the rental agency, and in the four rental seasons of doing rentals, my home has:

- Never had a police call
- Never had neighbors complained of noise
- No garbage problems

My home has carbon monoxide, fire detectors, and a security system.

Even in the short time that my family and i are actually at our home, we have gotten to know and respect many of the year-long residents in the neighborhood.

Thank you for your consideration in this matter.

Sincerely,  
Karin Valenza

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**Attachments:**

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Attachment # 27

Van der Elst

From: "Marcel van der Elst" <marcelvanderelst@gmail.com>  
Subject: resident e-mail in regards to Short-term Rentals  
Date: Mon, December 19, 2016 9:55 am  
To: Supervisor@CascoTownship.org,CascoClerk@gmail.com,Treasurer@CascoTownship.org,graffj@i2k.com

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Marcel van der Elst  
95 N Shore Dr N  
South Haven, MI 49090-9169

South Haven, MI – December 19, 2016

RE: Short-term rentals discussion

Dear Members of the Board of Trustees of Casco Township:

My name is Marcel van der Elst. I live at 95 N Shore Dr N, South Haven – located in Casco Township. My family and I have lived in Casco Township for almost 12 years. My kids go to school here. What attracted me to this area is what attracts many families to the area: the rural and beach town venues along the lakeshore, the orchards and wineries, and the many outdoor activities that are possible in our beautiful part of the world.

There are several good reasons for a sensible short-term home rental ordinance in Casco Township:

Our local economy is largely based on two engines: (small) agriculture and tourism. Everything else builds on those, incl. combinations like tourism orchards, wineries, etc.

Our economic *growth* and entrepreneurial activities are almost entirely dependent upon (local) tourism and leisure activities

Short-term home rentals are ideal (better than hotel rooms or B&B's) for families and small groups who are more likely to engage in group-focused activities such as orchard apple picking, winery/brewery visits, etc. which benefit our local economy.

Both engines of our local economy are highly seasonal, making it more difficult to develop full-time lodging businesses; short-term home rentals are an ideal solution to both economic capacity limitations and optimal lodging solutions for our most economically attractive types of visitors. Also for aesthetic reasons, I think we all would rather see an empty home than an empty (budget) hotel in the winter.

Families and investors with a second home in Casco Township contribute significantly more taxes to our township by paying taxes in our kids' schools, because they don't get P.R.E.

Short-term rentals have existed in our township and in neighboring townships harmoniously for decades, entirely banning them would economically hurt Casco township compared to neighboring communities.

But short-term rentals should be subject to sensible and enforceable zoning and rules, such as those recently put in place in neighboring communities like South Haven. These could be:

Rental homes should be safe for visitors, with code-compliant structures and sensible limitations on occupancy

Rental homes should NOT cause disturbances with excessive noise, off-street parking or littering; regulations should provide for communication protocols (home-owners, renters, neighbors, law enforcement)

Zoning should limit home size/height and impermeable surface percentage (i.e. structures, parking and pavement) as measured in proportion to the lot size to avoid overflow of cars, people/activities and water/snow

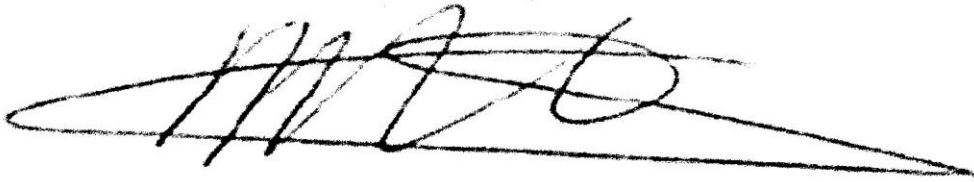
Home owners and/or rental management agencies should register and obtain/renew a permit annually.

Revocation of permits for a set period of time to owners who are in repeated violation

It's regrettable that a judge recently ruled that short-term rentals were considered an unpermitted form of business in a particular community in our township. However, it is unlikely that such a ruling would prevail as precedent in a higher court, nor is it clear whether such a ruling would apply outside of a private community nor that it could be enforced practically. We'd be deluding ourselves to believe that Casco Township is going to change countywide or statewide short-term home rentals. It would be in the township's interest to simply put in place provisions in the zoning laws and ordinances that allow for safe, non-disturbing, reasonable and properly held accountable short-term home rentals.

I strongly urge the Board of Trustees of our Township to efficiently seek sensible regulations and/or adjustments in zoning ordinances in order to allow for continuation of responsible short-term rentals by homeowners.

Sincerely,



Marcel van der Elst

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**Attachments:**

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Size: 63 k
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Attachment #24

Wehrman



Cheryl Brenner &lt;cascoclerk@gmail.com&gt;

**Concerning Casco Township Rentals - From one of the residents**

1 message

**Matthew Wehrman** <mattwehrman@yahoo.com>

Fri, Dec 16, 2016 at 4:25 PM

Reply-To: Matthew Wehrman &lt;mattwehrman@yahoo.com&gt;

To: "CascoClerk@gmail.com" &lt;CascoClerk@gmail.com&gt;

Hi Cheryl,

Let me start of by saying how much we love vacationing in Casco Township/South Haven area. Am am writing in regards to the concerns, or those reported by residents. Please consider our point of view from a frequent weekender.

I've been doing research and talking to local authorities and am saddened that local residents think that rentals "take away" from our community. As a person who has rented our place for 3 - 4 weekends a year, the reality is, we are bringing in more families to our fine West Side Michigan neighborhoods. In fact our friends are looking to buy as well. These families that bring local business to the Glenn Store and Meijer. These renters create a tax base, they allow for our restaurants such as Cousins to employ more workers and help keep small business alive with our local shops and antiques roadside, as well as help with our municipalities being funded. But more so, like us, allow to introduce our neighborhoods to them for future residents such as my wife and I were introduced. We rented before we bought.

The facts seem obvious, just a note from the Tribune but one that were vetted by local reports...also a small business now a days:

Source: Andrew Lersten, 11/28/16

*For example: The areas with the highest rentals concentrations were not areas of high police activity due to noise or nuisance gathering. Many property owners chose to have fewer maximum occupants on their registration forms than the city allowed. Police complaints were no higher for short-term rentals than any other property. There were very few complaints to police, or violations issued, related to the short-term rentals, he said.*

*The study showed that 389 housing units were used as short-term rentals properties, or 11 percent of the city housing stock. The number does not include condominiums, which are not required to register. The city did not enforce occupancy limits this year, but will enforce them moving forward, Dissette said.*

Furthermore, I think the questions is, would houses sell or be as desirable if they could not be supplemented when unused? I for one would not have bought if we are not allowed to rent a few weekends a year. And if the township determines that this is not just, and forbade the use of rentals, I too would wonder what that would do to our economy as I for one would likely sell. Which is ironic, because we are looking to make capital improvements to our house, which would require Casco township permits and would increase house value to my house and my neighbors and given that our house was sitting on the market for 5 years unused, it's making our neighbors safe and less blighted.

I ask that you consider what this could do to our community and how it will change the industry that we have as a result of rentals that bring families, like ours, to the West Side of Michigan.

Thank you for considering all sides and being the representative for our township.

Matt

Attaching <sup>#3</sup> Werkema



Cheryl Brenner <cascoclerk@gmail.com>

**Fwd: Short-term renting**

1 message

Al Ellingsen <skwirely@frontier.com>

Sat, Dec 17, 2016 at 2:56 PM

To: "Allan Overhiser (awo@i2k.com)" <awo@i2k.com>, clerk@cascotownship.org

----- Forwarded Message -----

**Subject:** Short-term renting

**Date:** Fri, 16 Dec 2016 21:59:15 +0000

**From:** Michael Werkema <werkemam@hotmail.com>

**To:** skwirely@frontier.com <skwirely@frontier.com>

Dear Board of Casco Township

I am writing this letter as a homeowner within Miami park on Lakeview Avenue. I am writing in support of short term renting. We have been owners since 2012 and have sincerely enjoyed our time in Miami park despite what many local folks have said regarding short term renters. We have never had any problems. We have rented for two weeks during our entire five-year ownership and both times were to three generational family is where parents grandparents and grandchildren could spend an enjoyable week together enjoying the wonderful sunsets that Michigan has to offer and having experiences watching their first grandchild and walk. These are not renters who caused mass parties and distress and noise violations for homeowners and our community.

I strongly support short-term renters and hope you consider the benefit to our community they provide.

Respectfully,  
Michael and Andrea Werkema  
7250 Lakeview

Sent from my iPhone

< [redacted] >

*Pinehills #31*

*Watson*

From: "David Watson" <daveewatson@gmail.com>  
 Subject: Support of property rentals  
 Date: Tue, January 3, 2017 8:10 pm  
 To: supervisor@cascotownship.org  
 Cc: "Nathalie" <watsongodinot@sbcglobal.net>

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Attn: Allan Overhiser and the planning commission

Before my wife and I purchased our property in Casco Township in 2014, we made sure that short term rentals were permitted, identified Jaqua Realtors as an local property manager, and learned that the revenues from 4 weeks of rentals each year would be sufficient to pay our taxes, insurance, and utilities so that we could afford the property.

Jaqua Realtors manages the property for us, and they do a very fine job. They have arranged weekly property rentals on behalf of my wife Nathalie and myself beginning in 2014. We only rent our property 3 to 5 weeks each year. But this small number of rentals plays a critical role for us: it covers our property taxes, utilities, and insurance.

Our renters are usually young families who are frequently accompanied by grandparents. They enjoy spending time together, and South Haven is a great place for them to do this. These renters are NOT party-people. In 3 years we have never had property damage by our renters, and we have never had a comment by a neighbor against our renters. They are good, respectful people. And we are too!

We ask that you prioritize our right to rent our property for several weeks per year so that we can pay property taxes, insurance, and utilities. We hope to remain property owners and we ask you to help us do so by sustaining our right to rent this property.

Thank you for your attention, and your consideration of our perspective.

Sincerely,

David Watson and Nathalie Godinot  
 7261 Orchard Road (Miami Park)  
 South Haven, MI, 49090

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**Attachments:**

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Attachment #32

Way

Allan Overhiser

Township Supervisor

Board of Trustees

6317 107<sup>th</sup> Ave

South Haven, MI 49090

Dear Allan and Board Members,

This letter is to address short term rentals in Casco Township.

Before deciding to move to the area we rented homes a few times in the South Haven area to make sure it was where we wanted to live. We were fortunate to have the opportunity to rent homes. We found the area to be charming and the people to be friendly, warm, and inviting so we purchased land in Miami Park twelve years ago and built a home there because we love the community and everything it has to offer.

Pure Michigan is the slogan for tourism, what a beautiful ring that has. Imagine the sound it would ring for Casco Township if rentals were not allowed. We are very supportive of residential home owners having the right to rent their homes on a long term or short term basis as we feel it is the right property owners have. Residential property values are impacted by not allowing short term rentals and to stop rentals in the area would have a devastating economic impact on the local economy! The rentals in the area are a strong pillar in our economy for growth and prosperity.

I have been a realtor in the area with Shores Real Estate for the past twelve years. Shores has been a catalyst for many home sales and rentals in the community and has helped turn visitors that rent homes into residents for decades. I don't see anything wrong with that as it is good for the growth of the area and it allows the community to prosper.

If everyone can value each other's differences and work together it will be a better community to live in. We urge the Board to set a fair rental ordinance that is applicable to everyone in the community!

Thank you for your consideration,

Dan and Maribeth Way

649 Lakeshore Dr – Miami Park

Attachment #33 Ziemke

12/16/16

Allen Overhiser, Township Supervisor  
Casco Township, Michigan

Dear Mr. Overhiser,

We are new land owners in Miami Park. We plan on building a retirement home at our beach front property in the coming years. Although we do not plan on renting our home, we think it is imperative that all homeowners have the unrestricted right to rent their home as they see fit since an unforeseen event could impact the current situation (i.e. hospitalization) where we may be forced to rent it out. Thus we like the flexibility. We have no issues with reasonable rental restrictions but feel that by not allowing rentals it would be devastating to the area.

Sincerely,

Scott and Deborah Ziemke  
Lots 1, 2, 3, 4, 8 and 9  
Block 6, Miami Park  
South Haven, MI

**William J. & Patricia L. Gibbons**

**7245 Beach Drive**

**South Haven, MI 49090**

January 4, 2017

Casco Township Board of Trustees

7104 107th Ave.

South Haven, MI 49090

Dear Board of Trustees,

As property owners in Miami Park, we are writing this letter to state our support of allowing weekly rentals in the Miami Park neighborhood.

One of us plans to attend the Wednesday, January 11, 2017 meeting in support of rentals.

If you need anything further from us, please don't hesitate to contact us via email at [plgibbons1@sbcglobal.net](mailto:plgibbons1@sbcglobal.net).

Regards,



Bill and Trish Gibbons



*Douglas Nickerson*

**Judy**

---

**From:** Douglas Nickerson <douglas\_nickerson@sbcglobal.net>  
**Sent:** Thursday, January 05, 2017 6:28 PM  
**To:** Judy  
**Subject:** Rental Meeting on the 11th

Weather permitting my wife and I will be in Michigan for a day or two next week. I'm hoping to come to the Planning Commission meeting Wednesday evening next week. There are two points I'd like to be considered.

First, we only allow single family residences to be built. It doesn't matter how big the house is, how many bedrooms, bathrooms, kitchens or parking spaces it has, it is still designated as a single family residence. Why then would we allow people to rent to anyone but a single family. and by single family I mean Mom, Dad and the kids. I'd even stretch this to a maximum of 4 or 5 adults over the age of 18 to allow for grandparents. I'd put no limit on the number of kids. If we won't allow multiple families to live there why allow them to rent there.

Second, Casco township has only a limited ability to enforce any ordinance. Casco has only one Deputy Sheriff and he is only available during the daytime. Casco offers no way to effectively deal with late night noise complaints. Allowing up to 12 adults to occupy a residence as the proposed ordinance does, is begging for trouble. The way to avoid these problems is not to allow the condition to exist.

Doug

Attachment #36

**Subject:** Letter of December 6th 2016  
**From:** "Rick Herrick" <firstcut3@comcast.net>  
**Date:** 1/10/2017 2:06 PM  
**To:** <skwirely@frontier.com>  
**CC:** <zoningclerk@cascotownship.org>

Mr. Alfred J Ellingson  
Zoning Administrator  
Casco Township

Dear Mr. Ellingsen,

I received your letter dated December 6<sup>th</sup> 2016, and have a few questions regarding it. The letter appears to be a form letter, but states that you have received several complaints about my property in Glenn Shores.

I am requesting to see these "numerous complaints" about my property specifically, get the specific dates of the complaints, the exact dates that these complaints pertain to, the evidence that the house was being rented at the time, and the nature of the complaint (zoning violations, excessive noise, illegal parking, trespassing on others' property, etc.).

I have not received one complaint from my neighbors regarding the rental of my house during the entire time that I have owned it, despite telling them on multiple occasions to inform me of any problems that arise from anyone other than me using it. So this comes as a complete shock to me. I suspect that this has arisen from the brouhaha about the rental lawsuit from Sunset Shores.

Below is a letter that I sent to Judy Graff back in September communicating my position on the issue:

**From:** Rick Herrick [<mailto:firstcut3@comcast.net>].  
**Sent:** Tuesday, September 27, 2016 4:29 PM  
**To:** 'GraffJ@i2k.com'  
**Subject:** Cottage Rental Issue

Dear Ms. Graff,

*I recently received an email from the Glenn Shores Neighborhood Association regarding Casco Township events and meetings. As a homeowner in Glenn Shores and a Casco Township property tax payer, I thought that I would communicate my opinion regarding cottage rentals.*

*While the Glenn Shores Neighborhood Association board has represented to us that the Association is neutral on the issue, It has come to my attention that many of the board members are communicating as individuals that they are against allowing cottage rentals (as is their right to do so). I just don't want you to get the impression that the neighborhood as a whole is against this. I certainly am not.*

*I purchased my home in Glenn Shores in 2011 as a second home. The real estate listing for the home when I purchased it, boasted about the rental income potential. This is not my primary residence, and I pay a much higher property tax, as an out of state homeowner. So to help offset this, and to help cover the upkeep of the property I have taken some rentals during the summer months. I have also rented from other homeowners in Glenn Shores, when hosting family reunions, to accommodate my large family.*

*The recent court decision regarding the rentals is troubling to me for a number of reasons, and I understand that it is on appeal. The fact that this activity has been taking place for decades, and has been woven into the fabric of the community is just one of them. I presume that the Township is waiting on the outcome of that case, before making any move to address any possible changes with the zoning in Casco Township.*

*One thing that the board should consider is the impact on the local economy, if seasonal cottage rentals were to be banned. The population of Casco Township increases dramatically during the summer months, with people from other areas coming to spend their family vacations. This activity supports the grocery stores, restaurants, inns, shops, farmers markets, golf courses, wineries, pubs, theaters, boating and canoe rentals, and the list goes on. I know of one business that specializes in cleaning and maintaining cottages that are available for rent, that employs many people. I know this because I have used them to clean my home. If you log on to VRBO, Home Away, or Airbnb, you will find hundreds of cottages for rent in Casco Township, and South Haven.*

*I live in a suburb of Chicago, and see all of the commercials on TV & touting "Pure Michigan", enticing us to come and visit. I have many friends and neighbors who have taken vacations along the West coast of Michigan, and I can't honestly recall one of them that stayed in a hotel. They all rented cottages. My point is that if vacation rentals were to be banned in Casco Township, the effects would be devastating, on the local economy. The ripple effect would hit home values and reduce tax revenue coming in from property taxes, sales tax, etc. This in turn would affect the money available for all of the things that municipalities provide- roads, schools, police, fire departments, hospitals, and the like.*

*I believed that this whole issue stemmed from a dispute between neighbors that could have been resolved in a more amicable forum. I have always asked my renters to be respectful of the neighborhood quiet hours after 11:00 pm, and have told my immediate neighbors to contact me if there is ever any issue with someone that has rented my home. It seems to me that some are stereotyping "renters" as undesirables which is unfortunate. I have found the few renters that I have had, to be decent and respectful people.*

*Please communicate this with the board at your next meeting.*

*Best,*

*Rick*

I still feel as I did in the email which was sent to Ms. Graff. Please communicate this with the zoning board when you meet at you next meeting. My position hasn't changed.

Sincerely,

Rick

**Rick Herrick**

**President**

**First Cut Produce, Inc.**

**1515 Sherman Ave, Suite 2NE**

**Evanston, IL 60201**

**P: 847 332 1827**

**F: 847 332 1907**

**C: 847 682 6698**

Attachment # 3 /

**Subject:** 7141 Maple Ave. South Haven Rental Complaints

**From:** "Murphy, Patricia" <pmurphy@nm.org>

**Date:** 1/10/2017 4:32 PM

**To:** "skwirely@frontier.com" <skwirely@frontier.com>, "zoningclerk@cascotownship.org." <zoningclerk@cascotownship.org.>

Alfred Ellingsen,

I received a letter from Casco Township that were complaints regarding my home at 7141 Maple Ave.

I had one complaint over three years ago from a neighbor that Mill Pond and I both addressed at that time.

I have never had a complaint that I am aware of since then.

Please send me copies of any complaints.

Thank you very much,

Patricia A. Murphy, MSN, CNP, CNM

Division of Rheumatology

675 North St. Clair Street

Suite 14-100

Chicago, IL 60611-5975

[pmurphy1@nmff.org](mailto:pmurphy1@nmff.org)

[northwesternmedicine.org](http://northwesternmedicine.org)

Tel [312-695-2424](tel:312-695-2424)

Fax [312-695-0114](tel:312-695-0114)

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Attachment #38

**Subject:** Short Term Rentals Notice Received

**From:** Mark Hutchens <veltliner1@comcast.net>

**Date:** 1/11/2017 2:03 PM

**To:** skwirely@frontier.com

**CC:** zoningclerk@cascotownship.org, Erica Fischbach <ericafisch@comcast.net>

Dear Mr. Ellingsen,

I am in receipt of a Notice dated 6 December 2016 from you stating that numerous complaints have been received regarding the rental of my property in Glenn Shores in South Haven, MI.

I am writing to request a copy of these complaints so I can verify for you if they are accurate or not in their substance and frequency. We have rented our property only a handful of times, paid all appropriate taxes for doing so, and taken great pains to ensure that our renters adhered to all association rules and regulations. I am confused how the Township has the infrastructure for calculating and receiving taxes for a practice I am informed in your letter is arguably illegal. I am also quite certain that the number of my neighbors who actively object to the renting are few, but vocal, and I am also aware that they have used the names of some unwilling neighbors in an attempt to magnify their complaints. I would also like to inform you that our association itself, including some members now attempting to reverse their position, formed a rental committee indicating that all members and board members are aware of a long standing acceptance of short term renting.

While I am encouraged by your statement that the Township has an interest to appease both sides, I remain concerned that any information offered regarding my property in particular is inaccurate or exaggerated and I believe myself and my other neighbors are entitled to see specifically the content and source of these complaints.

I thank you in advance for any procedural advice you can give, and I also thank you in advance for your diplomatic intervention toward adopting a common sensical ZO amendment that would remove any ambiguity regarding the categorization of short term renting. I have no doubt the collective revenue to the Township and other intrinsic benefits to the local economy that renting brings would be sorely missed, even by those short sighted enough to try to eliminate it. My wife and I, and the majority of our neighbors, hope cooler minds will prevail in this matter. I have no doubt that you would find those of us who rent more than willing to adhere to any such ordinance that protected our private property rights and continued to respect our neighbors.

Please also note our correct mailing address for any future correspondences regarding these matters:

Mark Hutchens & Erica Fischbach  
1029 E 8th Ave #1304  
Denver, CO 80218

Sincerely,

Mark Hutchens  
312-919-7115

Attachment #39

**Subject:** Short Term Rentals

**From:** "Rick Herrick" <firstcut3@comcast.net>

**Date:** 1/11/2017 1:10 PM

**To:** <skwirely@frontier.com>, <zoningclerk@cascotownship.org>

Mr. Ellingson,

As you will recall I spoke with you over the phone yesterday regarding the short term rentals in Casco Township. It has come to my attention that some members of the community have formed a "Homeowners' Alliance for the Preservation of Casco Residential Neighborhoods."

I have read their position statement want to make a couple of points clear with regard to their Statement.

The Homeowners' Alliance has stated, "*The Alliance seeks to maintain the integrity of Casco's residential subdivisions by preserving current zoning in the residential districts and maintaining current limitations relative to single-family residential uses.*" According to this document, the "Homeowners' Alliance", looks to preserve the status quo, and somehow any change in the zoning to clarify allowing short term rentals would upset or change the status quo. However, the fact that the Glenn Shores Neighborhood Association formed a **rental committee** years prior to the Sunset Shores lawsuit, indicates that the home owners, and more specifically, **all of the officers and board members, had knowledge of and approved of this ongoing practice.** Short term rentals have been going on in Glenn Shores for decades, the only thing that has changed is Judge Cronin's interpretation of it. I can't speak to the homeowners from other subdivisions, but this rental committee was set up in Glenn Shores only a couple of years ago, was voted on, and approved by the Glenn Shores neighbors at our annual spring meeting, which takes place over Memorial Day Weekend.

The other thing that I would like to point out, is that the **State of Michigan** requires me to charge my renters a **6% Use Tax** (which is the exact same tax that hotels are required to charge) for these short term rentals, and submit my payments quarterly. This is not required if I were to take a long term rental for 6 months or a year. So the State of Michigan has knowledge of and approves of this practice as well. They certainly haven't sent my tax payments back.

Thank you for your time, and please share this with the members of the board at your next meeting.

Best,

Rick

Rick Herrick  
President  
First Cut Produce, Inc.  
1515 Sherman Ave, Suite 2NE  
Evanston, IL 60201  
P: 847 332 1827  
F: 847 332 1907  
C: 847 682 6698



Regarding short term rentals

Attachment #40

**Subject:** Regarding short term rentals

**From:** Carol Ann Hall <info@innpark.com>

**Date:** 1/11/2017 2:58 PM

**To:** "skwirely@frontier.com" <skwirely@frontier.com>

Al,

Please know that we own property in Miami park and are in favor of short term rentals.

Please be strong and continue to allow democracy in our township without listening to a few home owners that want to control the entire township..and decisions that are narcissistic , represent selfish limited perspectives, and feel they have the right to make decisions for their entire community.

I would be interested to understand the realm of complaints and what percentage of rentals the complaints represent. I would bet less than 1% if that.

Renters in casco tend to be families and a way to bring back the rental experience like that of days of the past in our towns. We have always been a resort area and many of the homes now screaming for no short term rentals were once the site for one of over 72 Jewish resorts of the 1940's. We are just condoning its return. it's refreshing to see that families can experience our community without having to stay at the Holiday inn Express for a week.

Respectfully submitted,  
Gerald Hall

Sent from my iPad