

**CASCO TOWNSHIP PLANNING COMMISSION  
RENTAL WORKSHOP AGENDA  
August 30, 2017  
6 PM – 9 PM**

**Members Present:** Chairperson Dian Liepe, Daniel Fleming, Judy Graff, Greg Knisley, and David Hughes

**Absent:** None

**Staff Present:** Janet Chambers, Recording Secretary

**Also Present:** Macyauski, Supervisor Overhiser, Clerk Brenner and 20 interested citizens. (attachment #1)

1. **Call to order and review of agenda:** The meeting was called to order by Chairperson Liepe at 6:10 PM. Fleming asked that item 8 on agenda be moved up to follow #5.

Regarding a memo, dated August 17, 2017, from Attorney Bultje, in which Bultje answered questions about rental density, Fleming asked where the questions came from. Planner, Lynee Wells stated the questions came from a workshop meeting, from commissioners and the public, and she was asked to contact the attorney for his opinion.

2. **Opening comments by PC members:**

**Graff** read a follow up letter to Attorney Bultje's August 16<sup>th</sup> memo, dated August 17, 2017 (attachment #2). Bultje answered, in more detail, questions on seasonal density issues He offered options to control density.

**Fleming** stated the options given by the attorney are overboard for our township, but if Casco follows the attorney's advice in paragraph 3, limiting to a certain number, if done at all, must be after significant study and significant experience.

**Knisley** stated he may not agree with all sides of rentals, he does not have rentals next door to him, but will stand on their side of the fence if they are within their rights, and not take their rights away from them. In this instance where we have renters and non-renters, the renters have everything to gain, and non-renters have nothing to gain. Non-renters have noise, fireworks, nuisances, etc., with the frequency of turnover and volume of renters. When homeowners are involved there is not as much problems. When you get into the high-end rentals, where it is non-stop, large homes, never intended to be a residence, we all feel that changes them to more of a commercial thing. We can't restrict the size of the buildings, number of bedrooms, that kind of thing. We want to be fair to both sides, strictly allowing, but not curtailing. How are we clipping off what we know has been the difficult part of renting? We have to cut out the worst.

**Chairperson Liepe** said she received some emails and asked they be added as attachments. (Attachment #3 William & Rene Garrity; 8/30/17 Re: Short-Term Rentals),(Attachment #4 Debbie & John Weaver; 08/29/2017 Re: Short-Term Rentals) and (Attachment #5 Ann McEvoy; 8/24/2017; Re: Short Term Rentals).

**Dave Hughes** stated we have talked about waiting and seeing how things pan out for another year, which I think is legitimate, but I think we better be foresighted enough to have some kind of regulations, so we are not sitting here with egg on our face after a second year with so many different problems. What you would do is let problems get seeded even more so, and that will be difficult.

3. **Approval of minutes 8/16/2017 (Workshop Meeting):** A motion by Fleming, seconded by Hughes to approve minutes of 8/16/2017 with the following correction. ~~That information was unknown.~~ *No citations were issued.* All in favor. Minutes approved as corrected.
5. **Report from Citizen Advisory committee (Allan Overhiser or Mary Campbell):** Mary Campbell said the Citizens Advisory Committee did not meet since her last report. She did attend the Michigan Townships Meeting on Hot Topics. A couple of take-aways she got from the meeting were: 1) The need to define a legal bedroom. When you say a certain number of people per bedroom, you need to say what a bedroom is. 2.) The definition of family needs to be clear. Some say related by blood, or 1 or 2 unrelated people might factor in.
8. **PC members discuss how and when we should vote on the zoning ordinance:**

**Fleming** made a motion to divide the draft ordinance into three sections and vote on each section individually as follows:

- Definitions
- 3.39 Rental of Dwellings
- Starting with 5.02 Permitted Uses and Special Uses charts to end of draft. There was no support for the motion. Motion died.

**Chairperson Liepe** said the PC has been hearing from the public and working on drafts for this for quite a while now, hearing public opinion and from the PC since January. There comes a point when you have all the information and it is time to move on. The PC has picked up some small pieces when updating the draft, but Liepe felt the PC should at least set a time when they could give some firm answers.

**Hughes** said when he read the agenda item, he thought let's get this done by end of September, but then there was discussion about waiting to see how it goes another year. Hughes thought that was a waste. Way too long. Don't think they will hear new things by waiting. He is thinking September we could get it finished.

**Knisley** said we have been moving forward on a lot better document, but there are things he has read and would like to talk over with the commission. He is trying to set his own concerns aside and trying to sit on both sides of the renting issue. He is 2 years new to the PC and feels like a babe at it. He would not want to jump at something because it arrived in his mailbox this week. He wants to be able to look it over and come up with something the PC is comfortable with. He is finding more that is good for the PC than bad.

**Fleming** said the way he looks at it is, STR has always been legal. It is a technicality the judge brought up. Fleming thought it (STR) has never been illegal in the township. His purpose for wanting to break into 3 sections and vote on the part where we are permitting it, vote on definitions and work on regulations. That would solve the legality, and allow the PC to still work on it. To say we have to keep working on this before voting is saying there is a big problem.

**Graff** has two things from her perspective that the PC needs to do. 1) Decide at what point, after doing a, b & c we are done and ready to vote. Graff does not think the PC has decided that yet. The PC developed five objectives in March that they said they would meet. We have not run any of these details against those objectives. Maybe we are intuitively thinking about them, but we have not, as a group, said yes, that will support residential neighborhoods, yes that will support the Master Plan. We have not done any of that. We stated upfront, in March, here are the five objectives. We have not done a service to our own objectives.

2) What is the process for approving and submitting. As a PC, based on experience we have had, we need to have a draft that we can read, in completion, before we say we are ready. Then when we say we are ready, we have to hold a scheduled hearing. We go through the public hearing process. After we go through the Public Hearing process, we discuss and adjust, based upon comments we

hear, whether we should make amendments to that draft. Then we vote to send it to the Township. The Board of Trustees then holds a meeting and decides.

Graff noted that not all parking lot items were not on Wells' list. The parking lot items are in the minutes. The PC will go through the list from the minutes.

Fleming commented on the objectives. Stepping back and looking at zoning. Zoning is a black whole. You can keep pouring time into it and will never get to the end of it. Fleming gave his opinion on the 5 objectives:

- Objective #1 Preserve Residential Neighborhoods – With the committee, the regulations, the township board is dealing with that.
- Objective #2 Support the Master Plan – nothing has changed. The only thing that has changed is a judge's decision and a technicality. As far as the Master Plan, nothing has been done that doesn't support the Master Plan.
- Objective #3 Solve commercial rental problems affecting full-time residents – This is what the township is already working on
- Objective #4 Compliment South Haven as opposed to a supplement or extent – not really sure what this means
- Objective #5 Technicality brought up by court case – By permitting it in all districts, we would take care of the technicality

Fleming comment on an earlier discussion there was talk about how renting affects the rural character. Judy thought we needed a definition of "Rural Character". Since that time nobody has brought it up. "Rural Character" is something people use to say, "I don't like what is happening", so "Rural Character" was the handle. Now "Preserving Residential Neighborhoods" is the new handle. We don't have a definition of that. Our lawyer has said it is going to take a lot of time to determine what that even means. As far as compliment to South Haven, I am not sure how that applies to anything. You could argue they passed a rental ordinance for South Haven.

Chairperson Liepe said you could also argue that it is beyond our control, because people move in, people move out.

Graff said the thing about the objectives is the PC identified and agreed to these objectives. What were we thinking, it's a bluff? #1 Preserve Residential neighborhoods – Our Zoning Ordinance defines what a residential district is; it defines single-family dwelling; it defines what a family is. We haven't discussed that. In going through and seeing if we are meeting OUR objectives. This has nothing to do with anybody; we set these objectives. We owe it to ourselves and our community to ask if we meet our own objectives. If the answer is "yes", then we are done. We haven't done that.

Chairperson Liepe said it has been hard to have really good discussion here. There are times when it has been difficult, but we could go ahead and discuss that tonight. Chairperson Liepe invited others to share their thoughts on the objectives.

Hughes said he would like to think, as we have gone through the process, we have all kept in mind the objectives. We have not gone through and said, this is what this means. Some of the commissioners, himself included, has a different opinion of what it means. What he thinks, might be different from what others think.

Fleming added, what this means is everybody looks at things differently, and everybody has their own private property, and here at the PC, we are making decisions that put other people in a bind based on what we think. The property lines are what should be the main thing that determines what happens on that property.

Chairperson Liepe said she lives in a residential neighborhood in east Casco. It has changed. People move out, people move in. Sometimes we got along with our neighbors and sometimes we didn't. We tried. We have been able to tolerate things. The way we have our township designed,

when I look at something like the platted subdivisions by the lake, where they are small little lots, that were platted that way as summer cottages, I wonder if all those had facilities on them, that would be quite crowded. Whenever you put something different in a neighborhood it changes. People don't live forever, others come in. Preserving a neighborhood, she is not sure what you are preserving. Change happens. If you want to say you want a safe neighborhood, or a kind neighborhood, that would be good.

Fleming said one other thing about the process we go through. We have a Bed and Breakfast brought up at the last meeting. We have a site plan with owners present, then went through rental thing and talked it through. We concluded that if the owner is there, they don't need to have all these regulations. Then someone says that means STRs with owners on site would be more lenient rules than B&Bs, we can't do that. Then someone says do away with B&Bs, and someone says we can't do that, this is how it has always been. I have heard that on other issues. Fleming said, to him that is exhibit A of saying "you can change that later", but no you can't because "that is the way it has been."

Knisley said if the PC was tasked with this 10 years ago, it would have been different. With all the different rental sources, and speed of property sales, now rentals have been turned into a moneymaking machine. We have heard realtors say if a house is for sale next to a rental, customers don't want to live next to a rental. Others would say it is more valuable with the commercial value of being a rental. In the instance of having rentals put on the rental market, sight unseen, transactions made sight unseen over the internet. It is not like they are meeting the person, just answering an ad. Plus, the size of the properties are increasing. This has driven the whole rental business into a different status than 10, 15 or even 5 years ago. Knisley thought there are some things that could be voted on, but there is room for more discussion.

Chairperson Liepe suggested since the PC is discussing the objectives, commissioners go around the room and say anything they would like to add to each of the objectives.

#### Objective #1 Preserving Residential Neighborhoods

Graff said they have not adequately defined, for a common definition, "commercial renting". People in the neighborhoods fear is that it will change the residential district, which is what we have defined in the Master Plan and Zoning Ordinance, to a commercial operation. In Miami Park, and small lot subdivisions, it would be great if everyone who owned a lot there, built their home or cottage for their own use, you wouldn't have 15 people, because they are 30' lots or 50' lots, you wouldn't have commercialization because they are enjoying their weekend or their vacation. The definition of Commercialization is key to saturation and to when we no longer have residential district. Because we have never defined "commercialization", how do we tell the difference? How do we assess saturation based on a known definition of what is a single-family residence verses commercialization? We need to do that not only to educate ourselves, but to understand the differences and the pros and cons of the differences. That is the issue, I don't think we have met "Preserving Residential Neighborhoods". The more I think about the "Occupied Owner" section in our chart, the more concern I have because everyone will claim they have an owner occupying. I have a letter from Doug Callander, who is at the PC meeting, telling how this can be so abused. That means that anybody can have 20, 30, 40 people, simply because they claim it is owner occupied. How can we enforce that? How is that going to help us retain what we as a township have identified as a residential district? That is my concern that I have heard repeatedly from people who live here.

Hughes did not have comment on the first objective.

Knisley: 1<sup>st</sup> objective. Some neighborhoods, some more than others. Some of these neighborhoods have subdivision homeowner rules. Do we have information on those? Are they enforcing their own rules or relying on what we come up with? If any of agreements are not enforced, are we going to be able to enforce what they can't. Is it that the homeowner associations are not that strong, not funded, or just don't have the teeth to enforce it. Commercialization has been the nagging thing. It crosses the line when something is built or purchased for the sole purpose of renting. When the home owner is never there and never intended to be there. That's when it crosses over to a full

commercialization side of things. Should they have the same rights? That does change things to the commercial side.

Fleming said some of these objectives take longer to work out. Fleming asked Graff what her solution is? Graff said she does not know, but commissioners all got information from Mary Campbell with her research on preserving the residential neighborhoods and Graff recalled that Chairperson

Liepe asked commissioners to review that document for this meeting. Graff said she reviewed them. Some were very good, some might not apply. Graff stated she is ready to discuss Campbell's information.

Chairperson Liepe voiced her opinion on Objective #1. She goes back to what she had said that residential neighborhoods do change. People move in and out. Houses are built and come down. It is hard to say what we are preserving. Zoning can do some things, such as not allow a store in a residential neighborhood. To Liepe, that would be tragic to do in a residential neighborhood, although some people might love to live next to a store. I think our zoning takes care of most of that. But it is hard to preserve something that we can't. We may try to define that better in our Master Plan.

Graff said the purpose and responsibility of the PC, pertaining to zoning, is "land use", not behavior. How should that land be used? We as a township, years ago, said we wanted to be a zoned community with rules and standards. That's what we have today, whether we like it or not. We are the ones who said, farming belongs there, residential belongs here. We are the ones, the township, and stated it year after year after year. Land Use, how should that land be used. When we defined, in our Master Plan and Zoning Ordinance, "residential district", those are legal, specific things, with definitions, standards and processes, for the PC to operate. When I look at districts, I'm looking at map context, not noise, not parking. That's something else, not "land use". When we define a district as farming, we define it. When we define it as commercial, we define it. When we define residential, we define it. In our current zoning, it says single-family dwellings, and we define family. Yet, we have in several subdivisions, commercial operations, which are changing the district. Then I say, how many can that neighborhood absorb before it is commercial? That is the foremost issue that we have heard repeatedly. Many people understand incidental rentals, we all live with them, we have neighbors who do it. You have a residential use with a single-family dwelling definition, you're not going to have 20 people in that house. Maybe once a year when you have family reunions, that's one day. Chairperson Liepe added maybe a weekend. Liepe and Graff agreed it would not be every few days, ongoing. There will always be people problems, but if you have the "land use" properly defined and enforced, you won't have those other things.

Chairperson Liepe said we should look over our definitions better, but we have talked about STRs and filling up time. I do think there is some commercial activity going on in some of our residential areas. There is no doubt because there are a lot of small businesses that can be done out of your home that don't affect outside. The majority of affects we have talked about so far, of the rental situation seems to be items that could be taken care of with some of these other regulations, not necessarily zoning. The noise ordinance, or garbage, and that type of thing. Liepe said I think we as a PC need to focus on what we can do regarding a Zoning Ordinance. Once that is done, turn it over to the Township Board and let them deal with the regulations. We can make suggestions for the regulations, but what we have been asked to do is the Zoning Ordinance end of it. I personally feel some of the issues can be handled by the regulations.

Fleming said, beyond the rental issue, Graff is right, we have zoning. We decide this, we decide that. Who is we? Most of what we, or our predecessors, have as zoning is unrealistic, and choosing his words carefully, "arrogant" and "tyrannical". It doesn't have to be. We are not going to get rid of zoning. But, we do not have to be arrogant and tyrannical. I am not accusing anyone in the room specifically of arrogance or tyranny, but the system. That's why, because it is popular law to say, let's make it strict and loosen it up later. Positive law is based on mistrust, saying give me your rights and I will give back the ones I want you to have. It is not that we are trying to be arrogant or tyrannical, but it is the system.

Chairperson Liepe looking over the objectives. Solving Commercial Rental Problems is what we have been doing all along. She said I think we have addressed most of these. There are some who feel differently, I'm not sure we can totally agree with everything, like coming up with a mutual definition or answer to any of these, but I think we have discussed them in our meetings.

Graff referred to Objective #3, Solving Commercial Rental Problems, goes back to a comment last time, and a comment from here in feedback from Doug Callander, The Owner-Occupied, saying you can do anything you want, is so fraught with abuse and is totally unenforceable. I think we should keep everybody to the same standard, whether it is owner occupied or not. Everything on the same playing field so at least you have a standard. You can do anything you want if you claim you are owner occupied. As we have said at other meetings, are you going in to see if they are in their beds? Graff would like to get rid of the whole "owner occupied" section. It is saying you can do anything you want, we are assuming you are responsible, no matter who you are.

Chairperson Liepe asked commissioners to go through the Planner's Draft.

Planner, Wells, started with Owner Occupied. Length of stay, maximum occupancy and the allowance of overnight and daytime guests regulated for STRs, but not with owner occupied. Wells said she could see a potential problem with that, and suggested going around the table for a consensus on "owner occupied" standards. Wells clarified that the standards of length of stay, maximum occupancy and day and nighttime guests apply to LDR, MDR, Lakeshore A and Lakeshore B districts. Wells asked Graff if she would propose owner occupied have the same rules apply as non-owner occupied. Graff said the same standards across the board. Same numbers, same registration, etc. Wells asked for opinions around the table.

Hughes said the original reason for having this "owner occupied" provision was to encourage owners to be present, but he totally understands saying how do you regulate that? No matter what we come up with in any particular area, you are not going to have an issue until someone complains, or takes a picture, or calls 911. We'll not know who follows the rules until someone complains. Hughes stated he has no problem with getting rid of the "owner occupied" section and just having everything the same.

Fleming said there are lots of laws we have. We only know if someone comes in to report it. How is this different?

Hughes said there are laws violated daily, until someone sees it or it is reported, no one knows. The laws are there for someone to meet guidelines. There is always someone who follow the slippery slope, but at least it is out there.

Fleming questioned a rule not being valid because we don't know if people will keep it. We are saying we want to give owner occupied less regulations, but we can't because we don't know if they will follow it. Why is that different from any violation we don't know of until it is reported?

Graff said the way you would know is if there was 20 people in the house and someone reports it. They could say, I was there, so it is owner occupied. I could have 30 if I want. You have a use and degrees of that use. To make it simpler and more manageable from a land use standpoint. No standard to me makes less sense than multiple standards that add complexity and enforcement issues. It puts more of a burden of reporting a complaint and following up to make sure somebody is enforcing it. Doing it every 3 days, or 5 days, possibly year around.

Fleming stated that there have been more problems when the owner is not around.

Graff said she looks it as a land use standard, whether the owner is present or absent.

Fleming stated that sounds like it is simple and fair, but I think there is something wrong with that.

Chairperson Liepe said we are going to have different standards. We have already said we would have LSTR for people who rent under 14 days a year. Those are a lot of the people who have been renting to the same people for years and years, and here doesn't seem to be an issue. I think we have taken care of that. Our main issue with the other shorter-term rentals are some on weekends, or shorter length of stays, or anything less than a week. We have gone to at least week. Liepe suggested the possibility of taking the "owner occupied" provisions out of the district west of Blue Star. It doesn't seem to be a problem in other areas. The other part of me says we are getting too much regulation.

Wells stated it has been done already, but we said, regardless of district, if the owner is present, on site the whole time, the restrictions don't apply.

Chairperson Liepe said she does not recall anyone from the public stating there have been problems when the owner is there. Maybe we just keep it. If we have it in the rest of the township.

Wells stated that the problem is with the turnover and the quantity of vehicles, cleaning people, etc. puts pressure on the community.

Hughes suggested the PC look at other communities for some kind of data.

Chairperson Liepe said if we are just looking at that area, having the owner there at all times is not something that has been going on. She said people have questioned the difference between owner occupied and B&B. That could be something that could end up in court. We need to look at that as well.

Hughes said he could live with getting rid of the "owner occupied". Fleming stated he is not convinced.

Chairperson Liepe stated anyone east of Blue Star could have the "owner occupied" rules because it does not seem to be an issue there.

Hughes said he likes the idea of getting rid of the "owner occupied" west of Blue Star.

Knisley felt it should be kept uniform, with the same standards. Compare apples to apples. Uniform across the board.

Fleming said he is not convinced. We take away the rights and give back what we think they should have.

Chairperson Liepe said if we are just adding it to this area, since we have not had a problem, we are adding more than we need to add. She added if a person is going to live there and wants to rent out some rooms, maybe they need to become a B&B. Then they would follow the B&B regulations.

Graff agreed it was a good perspective.

Hughes said a B&B gives them an avenue to have rentals while owner occupied.

Chairperson Liepe said it exists, so why are we trying to make it different?

Fleming said B&B goes through a lot of red tape. We temporarily came to the conclusion that if the owner is there, they don't have all the standards.

Graff said the thought behind allowing it east of Blue Star is there is more area. There is less density. More capacity for the numbers.

After discussion, it was decided to delete 3 B1a, 2a and 3a. Wells will check to see if the definition "owner occupied" could also be deleted.

Wells went over her memorandum (attachment #6)

Starting with page 1. Wells said because conversation started with reading of attorney's memo. She would start with Saturation. Some of the ideas behind tightening the rules for STRs is to make impactful on the neighborhood. With more standards on STRs some people may think twice before doing it.

Graff said what she hears from the community concerning subdivisions that don't have bylaws, LLCs are buying them out for commercial operations. Whatever we do here will help limit and restrict this. But, it is not going to stop LLCs from buying up lots and building 10 homes strictly for STRs, all of the sudden the street becomes commercial. Obviously, something we have to talk through.

Wells said that another thing the PC needs to talk about is dimensional standards. Currently the building height for residential is 2.5 stories or 35'. It does not say "the lesser of". You could get a 3story house with 35'. It needs to say, "the lesser of 2.5 stories or 3 ft.". Wells referred to the hand-out brought by Valerie Bass of the 3-story house. Three stories is a lot of space. (attachment #7)

Wells said she has not looked at lot sizes and how many units per acre yet. But that can also help determine density. Graff said this is something we need to talk through.

Fleming said we did have a discussion on tiny houses a couple of years ago. The idea he brought up then was why do we have a minimum size? Fleming said there was no reason given other than circular reasoning. The biggest reason not to have it was nobody did it. At the time Fleming brought up the point why have a minimum size if you don't have a maximum size. The conclusion was this is the way it has always been.

Knisley said size of structures does bring up an interesting thing. If you had a size limit, outside of a variance, you would not have these large structures. People say we do not have hotels, yet. We do, we just don't have front desks. That's what some of these essentially are.

Chairperson Liepe said some of the homes across Blue Star come awfully close to 35'.

Wells also noted that the way Casco defines building height does not talk about where the height is measured from. You can have mounding up, and then you get away with being taller. That happens for view.

Knisley said we had this discussion with Ellingsen about fences. This could be corrected by saying it has to be measured from a mean average of 20'. A 6' fence could be 13' by the time the fence is on top of a berm.

Graff would like to ~~take one night and ask Lynee to come back with recommendations to~~ on the dimensions. Liepe said she thought it could make a difference.

Wells added that the challenge with changing the dimensions would be the non-conforming. You might want to just start with the height and the measurement of the height. This affects views and just the compatibility of the three stories looking down at the 1.5 story houses.

In response to blocking views, Fleming question if the PC is coming to designing? By saying this, we think it is something we need address. We don't need any more of that.

Graff said it does help with compatibility in a residential district.

Liepe added as far as limiting 6 bedrooms, it could help, but we are not trying to control visibility. We discussed that in the past and we don't want to get into that at all.

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Wells led commissioners through changes she had made since last meeting. Discussion ensued about building code. It was removed because Wells said it could be handled in a regulatory ordinance. Graff felt it should be left in. Looking at dimensions could help this. The importance of keeping the building code section was the phrase "for single family dwelling". Not the code itself, because we know they have to follow a code. But we don't want them to follow the code for a hotel. The key is single-family dwelling. Putting in dimensions could help this.

Knisley said the fact that the building is there, after the fact, it was built to code at the time it was built. The township would reserve the right to inspect. Graff said if you are going to rent, you have to have a building up to code at today's standards. Not to code 20 years ago. Graff said if you have a requirement that they are up to code they would have an inspection to see that they are current at today's building codes. Knisley said if you were built to code then you would not have to change it. Graff questioned whether it is a safety issue. Knisley said if there was an inspection, something was found to be a danger it would have to be fixed. Graff's concern could be handled by Wells looking at the dimension of the structure, because we don't want hotels there. We want single-family dwellings because that is what the district is.

Chairperson Liepe said, for that district, they would have to follow the single-family dwelling code. Graff said that would solve her concern.

Hughes asked if the code would differentiate between a single-family home and a single-family commercial? Knisley said no. When it is built, if you have the means to put in 6 bedrooms and 6 baths, then you might have a big family.

Two things Wells will address for dimensional would be height of a home and where to measure from.

Graff asked about addressing roof top decks. Fleming asked what problem you are solving. Wells said the roof top deck would be included in the height.

Discussion ensued about number of occupants. Chairperson Liepe shared a friend's story from a campground where they had more people than allowed on a campsite. They had to rent a second campsite for everyone to go. So, what we are saying is in a case like that they would have to get two rentals. Fleming pointed out that the campground is private. With the rental ordinance, Casco is setting rules for other people's property.

Graff recalled that at Jensen's if they have an additional person, they have to pay. This shows that they control it because experience shows they need to control it. Liepe added the idea is so there is not wild parties going on and everyone gets their personal space. That would count our family out, but that is not an option.

Hughes said a 4 bedroom could have 3 in 3 of the rooms, and a couple in the 4<sup>th</sup> would be 11 people. Knisley said you have to draw the line somewhere. The purpose is to help limit rentals. If you start getting 20 people in the house, there is problems. Ten was an arbitrary number with some discussion. If it's wrong, we will hear about it.

Chairperson Liepe said, when we vote on this ordinance, and when it gets put in the ordinance, if something isn't working out, we could change it. I am hoping we don't make it so restrictive that it is difficult to change. Main reason for putting 10 in was there was a problem with too many people. Fleming asked if there was discussion about the size of the building? Liepe said if you did 3 per bedroom, there could be 6 bedrooms, that would be a lot of people, plus the cars.

Wells suggested going around the table for a consensus on number of occupants. Hughes, Graff and Knisley were comfortable with the number being 10. Liepe was in favor of 10, but compromised with Graff who originally wanted 8.

Graff said three definitions need to be changed. In the definition section “& daytime guests” needs to be added to overnight guests. Because owner occupied was taken out, 3 a & b are removed. The only thing left in 3 is c.

Under Section 3.39 D a; Hughes questioned whether an hour is realistic. Wells said if they have an agent available to address the issue. Knisley felt by the time it happens, and someone complains, it could take a long time. When does that time begin? Who calls them? Graff agreed, by the time the call is made, time has already gone by. Liepe added that if you have an agent, they should be available. She felt an hour was reasonable. Hughes agreed that one hour is good because it implies urgency.

Discussion ensued about 3.39 D 3; Hughes said he has seen 500'. Wells said for zoning ZBA notifications it would be 300'. For consistency commissioners agreed to change it to 300'. Fleming noted that in small platted lots, more neighbors would be involved. It was changed to 300'.

Fire pits were discussed. Graff asked what other townships do. Wells said if they were to be allowed you would not want them within the setback of the homes. Depending on the district it would vary. Your fire pit would not be on the lot line.

Hughes asked about fire codes and regulations. Chairperson Liepe said she would not want to be told where she can have her fire pit. Some townships say within fire codes. Knisley said if it is a dry season it could be a safety hazard. He recalled that at one meeting there was discussion about there being 6 bonfires on one street and the smoke alarm went off. Graff asked if they could look at lot sizes as a control mechanism for fire pits. Wells stated that even if it is a big lot and the fire is on the lot line, it could be a problem. Hughes suggested it could be on a plan that is submitted. Knisley suggested contacting SHAES for recommendations. Wells said in smaller lots there is a 15' setback. If not in that setback, it would be 30' from the next house. Rear lot lines are 40', and you might want to say no fire pits in the front. At least if you say outside the setback, it is not on the property line. Hughes added it is assuming that all houses are sitting on the lots correctly.

Knisley said a friend lives in South Haven, on a block where there are only 4 permanent houses in the entire block, they called when the smoke got bad, and the city's response was to close their windows and turn on the air conditioning. Graff suggested maybe the way to deal with it is just say by the fire code and ask SHAES for recommendations. It was decided that Wells will check with SHAES.

Chairperson Liepe said it is getting late and we need to get through the parking lot items, and might have to move the rest of this. Future meeting dates needs to be discussed.

#### Parking Lot Items:

1. Grandfathering – Chairperson Liepe said because Grandfathering will not apply to STRs, it can be scratched from the list. Fleming acknowledged that the attorney did say Grandfathering would not apply, but stated it may be challenged. At this time, I think we take it out. Graff said no matter what zoning we change, if we then change it again, that could be Grandfathered. After the ordinance is done, if we find something that is not working, it is too late because it will be Grandfathered. Liepe said in other words, if we say 10 is too many people, and go to 5, it is too late. Graff said that is the flip side of what Bultje said to us. Wells added the only ones that would be Grandfathered are the ones that came and registered under the old rule. Chairperson Liepe gave an example of her having a horse on her property of less than 5 acres. Zoning changed after she had the horse, but if that horse dies, she cannot have another. Graff thought that if she had one horse, grandfathered in she could still maintain one, because you would not be putting the property further under a non-conforming use. If you sold that property, the grandfathered use would stay with the property. Liepe said it might need clarification.
2. Owner occupied or homestay. Chairperson Liepe said we already took care of that.
  - A. Proof of owner occupied
  - B. Maximum Occupants – we have 10

3. Overnight guests – we took care of that
4. Fire Pits – still working on that
5. Number of Occurrences - Knisley mentioned frequency of rentals being something that could control the number of rentals, but might be opening a can of worms. If you rent this week, you can't rent next week. Graff thought that would be a simple option if there is a way to enforce it. Chairperson Liepe suggested finding out what the turnover has been, by asking some of the renters that had registered.

Chairperson Liepe said they would stop at this point to give time for public Comment. Fire pits and number of occurrences will need more discussion. The following will be discussed at the next meeting:

6. Site Plans
7. 7 Septic systems
8. Saturation
  - A. Lottery & How to deal with and establishing a ceiling
  - B. Distance requirements
  - C. Percentage in districts
9. Fire Pits
10. Owner / Entity

### **Public Comment**

**John Barkley** from Boardwalk "Michigan condominium association law 59 dated 1978 gives condo associations the power to deal with short term rentals through their master deed, amendments and additional rule/regulation development governance.

Boardwalk is similar to other condo associations along the lakefront that has banned short term rentals.

The key takeaways are,

1. We used similar objectives as being considered by the Planning Comm : maintain our residential neighborhood by permitting single family dwellings occupied most/full time by single families ( defined as parents, children and other dependents) to create a neighborhood culture and norms/ expectations for the residents, following the Casco master plan by not allowing short term rental commercial activity and preventing rental related problems.

2. Our learning was evolutionary. Twelve years ago, the original master deed allowed rentals of at least one week. One of twelve homeowners started renting for short periods of time and created major disturbances with a revolving door of different people weekly and often overloading the (pool, parking,etc) infrastructure. In 2013, more than two thirds of the residents approved an amendment to change the minimum lease period to 3 months and no more than two rental occurrences per year. Additional regulations were later added in 2016.

3. Virtually no resident of the condo association wants to live next to a home that is used for short term rentals and when free to vote, their voices are very clear. The Planning Commission could learn from our experience and consider restricting lake shore community short term rental total days per year, occurrences per year, minimum days per occurrence and maximum number of people per occurrence."

**Debbie Weaver**, Pacific Avenue, had a comment about fire pits. She stated that sense front setbacks are larger than side setbacks, maybe there would be more room for fire pits in the front. She also said, in regard to turnover and occupancy, when a renter is not there, she is there. This

does not change the facts. There are ordinances to cover rules. When people come to clean, they park in the appropriate place. She feels it is her right as a homeowner to rent as long as they follow laws.

**Valerie Bass** provided handouts (attachment #6) showing the white house on Lakeview. Lakeview is the street furthest north in Miami Park. This house is the first in a row of five that are larger and being advertised as vacation rentals. Some of these are quite huge. This house is 30 story with 6 bedrooms, 4 on the top floor with no fire exits. Rental building codes are not being enforced. If you have 10 – 12 people in the house with a fire and no fire exits on the top floor. What benefit is this to the community. They are not getting much tax money. Currently renting for \$725.00 per night with an assessed value of \$58,100, a taxable value of 28,650. The owners are not local, it is a corporation. Why are we putting up with this?

**Doug Callander**, 630 Waters Edge, is concerned with over commercialization as well, and I think that's where we are. When I wrote to Judy today, it was really because I was concerned about the use of entities as owners. These entities are the ones that can abuse. I can give you a membership interest tomorrow and take it away the next day, and you can stay at my place and be fine. So entities concern me and I like the direction you took tonight. I also have a house next to mine on Waters Edge that is owned by a Michigan Corporation. Nice people, they have been very gracious to us when we talk to them about their renters. But, it's rented all the time. It was never intended to be occupied by them, they own 3 others. They own four properties that are rentals in the same neighborhood for rental purposes only. So when I see a legal entity that owns a property, there is no lawful, rational reason for doing it, other than we, as lawyers advise people to incorporate or form LLCs to protect themselves from personal liabilities for the activities on the property. None of us do that with our own homes. It is because they know what kind of activities they are protecting themselves from. So, when you see those entities, building and owning properties, and renting properties, you ought to have your antenna up. We ought to say to ourselves, "What's going on here?" This is Greg's comment, "I want to make sure we cut off the worst." Are we cutting off the worst? I won't know until I hear from you as to how much you're going to regulate. John told you what our neighborhood does, and if you regulate it well, I certainly don't have a problem with people renting their own property. That's different for me than the LLC or Corporation, and the multiple family corporations that are going to build them. I know corporations that are going to build multiple family homes in your area so they can rent them all. As Bass said, if they were to be appraised properly based on income stream rather than their neighbor's property, you would get a whole new tax base out of them.

**Carl Schwartz**, Mt. Pleasant subdivision. First, let me tell you what we went through. We are approximately 110 homes, and were born in 1924. In 7 years, we will be a 100 year old thriving community. We were hit with the bad rental thing in 2010. There was renting for the entire existence of the community, and there never were issues. In 2010 our first investor renter, as the previous gentleman described, bought a house. He immediately went to work and put pencil to paper and decided to address the financial benefit to renting, and see what we can do to allow renters to make it profitable for the investors. What I would like to see you do is put a cap on it. I don't see that in here, I see a six day. We immediately went to a 7 day for 4 times max. If Casco would do something like this they could solve the problems. The second thing I want to do is tell you a story. There was a party who lived in Mt. Pleasant, when we made rental rules, they got upset and moved. They put their house up for sale and went to Miami Park. We saw them a couple of years ago, Oh, we love it, everything is good. They came and visited this summer. Schwartz and his wife were on the porch when they passed by and they asked how it's going? They said it's terrible. The developers have taken over. They own the beach access. They own the stairs. We want to leave. We're selling our dream home. We're looking for property where they have rental rules.

**Maureen Perideaux** from Miami Park. There are six rentals within sight and sound of my home. This is a serious problem. I respect other people property lines as well as I expect them to respect mine. Sound and smoke does not respect property lines. I don't care where you are sitting, smoke will

come in the house. If you tell me to shut my windows and turn on the air conditioning, I don't have air conditioning. That's not why I live here, I chose to live here because it was quiet. Have them use a gas fire pit, that would be fine, it would eliminate the smoke. But that would be going after the wrong problem. The noise, and the hotel operations. Mr. Greg said hotels without desks, that's absolutely true. Some of my neighbors are renting for as low as three nights, that means two different parties a week. They rent to 6 people, and 14 people show up. Maybe this house is quiet tonight, but that house is not. It's detrimental to my health and wellbeing. It interferes with my sleep. People are up making noise at 1:00 AM. It interferes with my ability to earn a living. I work at home as a freelance writer. I have been on the phone with my clients, when even the person on the other end of the phone could not hear, even during the day. I hear comments that it is not that bad. It is bad. This is just too much.

**Lois Schwartz**, Mt. Pleasant, you have gone around and around and spent a lot of time and a lot of your energy. I think to solve the commercial rental problem for the full-time residents and seasonal residents who return year after year after year to their homes and their neighborhood, by respecting what I think has falsely been called the "technicality caused by a court case". Respect the law, respect the judge's decision. Respect the residence who have a grievance against the invasion by commercial enterprises. You could solve this commercial rental problem by not allowing purely commercial rental purchase or construction for solely commercial rentals. I must go with what the other person said about commercial business entity. A gentleman from Miami at the last meeting said "these are not neighborhoods, we don't have a lot of full time people here. it is a beach community". There are over 100 homes. People have come and gone over the years. We are a community. We rejoice over each other's births, we cry and comfort each other over death and other tragedies, we are almost 100 years old. We are a community and the commercial enterprise is an assault on our residential community.

Supervisor Overhiser had a comment on the "Owner Occupied" section. He said it was in there for a reason. It was in there for Sleepy Hollow and some other places. Chairperson Liepe said, since it cannot be grandfathered in, we have to do something. Chris Barczyk said Sleepy Hollow was existing before there was a zoning ordinance, therefore they could be grandfathered. Overhiser said they were a resort, but now they are a condo association. Barczyk said the use was the same. The use was short-term rental. Chairperson Liepe said we will need to do research on that. She asked if there are any more to let her know. Overhiser said there is also Morgan's. Hughes said there was a hand-out about Sleepy Hollow. Chairperson Liepe said we will look at that.

Chairperson Liepe said the next regular meeting is September 6<sup>th</sup>. Liepe said the only open Wednesday she has is September 20. Hughes asked if we could discuss rentals at the September 6<sup>th</sup> meeting. Liepe said there is someone who wants to address buying property at the regular meeting, but there could be a short regular meeting with a follow up on rentals.

Chairman Liepe asked commissioners to study information Mary Campbell had given them for discussion at the next meeting, and finish today's agenda, and cover parking lot issues. Also discuss regulations and regulations to recommend to the Board.

Overhiser said there is also North Shore Condos. Liepe asked if we should discuss this with Bultje. Overhiser said no. He added that we don't want to make them non-conforming. Overhiser suggested looking over minutes to find reason the PC considered "owner occupied".

Graff said that Doug Callander's point on entities and commercial is something we need to discuss. Liepe stated that we need to be careful how we do that. We have not even talked about the number of occurrences yet. It may be that it is not profitable as a commercial business. Liepe also asked if it would be right to charge an occupancy tax. They do for hotels.

Meeting dates were discussed.

September 6<sup>th</sup> 7 – 9. A short regular meeting followed by rental discussion September 20<sup>th</sup> 6 – 9 Rental Workshop

A motion was made by Graff, 2<sup>nd</sup> by Hughes to adjourn. All in favor. Meeting adjourned at 9:00 PM.

Minutes Prepared by Janet Chambers, Recording Secretary

Attachment #1 Sign-in Sheet

Attachment #2 Bultje's memo, August 17, 2014 on Saturation

Attachment #3 Garrity letter, Re: STRs, August 30, 2017

Attachment #4 Debbie & John Weaver Re STRs, August 29, 2017

Attachment #5 McEvoy, Re: STRs, August 24, 2017

Attachment #6 Williams & Works, draft, August 24, 2017

Attachment #7 Bass, Very Large house

**From:** "Bultje, Ron" <[rbultje@scholtenfant.com](mailto:rbultje@scholtenfant.com)>

**Date:** August 16, 2017 at 4:48:33 PM EDT

**To:** "Wells, Lynee" <[Wells@williams-works.com](mailto:Wells@williams-works.com)>

**Cc:** "Collins, Sue" <[scollins@scholtenfant.com](mailto:scollins@scholtenfant.com)>, "Allan Overhiser - Casco Township ([supervisor@cascotownship.org](mailto:supervisor@cascotownship.org)) ([supervisor@cascotownship.org](mailto:supervisor@cascotownship.org))" <[supervisor@cascotownship.org](mailto:supervisor@cascotownship.org)>

**Subject: RE: Seasonal rental density limitations**

Hi, Lynee. I'm sorry I didn't get my thoughts on this to you sooner. My comments concerning the information from the residents are as follows.

The stated benefits the residents give for preserving residential neighborhoods are legitimate. Even if short term rentals are to be allowed in a residential neighborhood, the Township would do well to consider whether the short term rentals would unreasonably eliminate or reduce the stated benefits. If short term rentals are allowed as a special land use or other discretionary land use permitted by the Township, the Township would do well to make sure that the short term rentals are adequately regulated so that the benefits of the neighborhood are not lost.

I agree that each neighborhood, or each type of neighborhood, should be evaluated independently as to how a neighborhood would be affected by the introduction or continuation of short term rentals.

I also agree that municipalities have come up with many different types of limitations and controls on short term rentals, to make sure that the existence of short term rentals won't unduly negatively impact a neighborhood.

I don't recommend that the Township start its regulation of short term rentals by immediately going to a lottery process. That seems premature to me. Before the Township would decide to use that means of limitation of short term rentals, the Township would need to know exactly how many short term rentals can be maintained in each neighborhood without negatively impacting the stated benefits discussed above. An exact number would be required, because any applications above that exact number would go on a wait list. I believe this is a form of regulation which should be done, if at all, after significant study and experience with short term rentals.

Absolutely, the Township could designate zoning districts or overlay districts where short term rentals are allowed by right, where they are allowed only as a special land use, and where they are prohibited. This may be the most common type of regulation. A careful study of where short term rentals currently exist and how well they would fit into existing neighborhoods would be critical to this means of regulation.

Quotas are another valuable regulation tool. By limiting the percentage of dwellings which may be used as short term rentals, a municipality can legitimately try to preserve the stated benefits of a residential neighborhood, as stated above. Of course, a key requirement is deciding what

percentage of dwellings could be used as short term rentals without compromising the stated benefits of a residential neighborhood.

Distance between units is a regulation tool which I discussed in my earlier email to you today.

Allowing short term rentals only for permanent Township residents, so that the only short term rentals are done by people who actually vacate their full-time homes for rental purposes, is quite a drastic solution which no doubt would be quite controversial with many short term rental property owners.

Allowing a person to have only one short term rental in the Township would seem to invite controversy. If a person buys on short term rental, could the person's spouse buy another one? What about the person's sibling, child, parent, etc.? This solution seems fraught with difficulties.

Limiting the days per year that a dwelling can be used as a short term rental is an option chosen by Spring Lake Township. However, the 14 day limit on short term rentals is used by Spring Lake Township as a limitation on zoning districts where short term rentals are not otherwise allowed. Other zoning districts in Spring Lake Township allow short term rentals without a 14 day limitation.

Please note that 14 days is the limit established by state law, I believe, before a person's personal residential exemption is lost or at least compromised.

Requiring a dwelling owner to be present during any period of short term rental is a rather drastic remedy which I would not recommend to the Township at this early stage of the regulation process.

Certainly, a determination of adequate septic service or public sanitary sewer is essential for any short term rental.

Again, I'm sorry for the lateness of this. Let me know if this raises questions. Thanks.

Ronald A. Bultje (P29851)  
Scholten Fant  
100 North Third Street  
P.O. Box 454  
Grand Haven, MI 49417-0454  
Telephone: (616) 842-3030 Facsimile  
(616) 846-6621

Attachment #3

August 30, 2017

Casco Township Planning Commission  
7104 107<sup>th</sup> Avenue  
South Haven, MI 49090

Subject: SHORT TERM RENTALS

We are permanent, year-round residents of Glenn Shores. We have seen an increase in short term rentals since we joined the community in 2011. We appreciate the extensive effort the Casco Planning Commission has invested in studying and deliberating on the complexity of the rental issue.

In order to preserve the rural residential character of our community and Casco Township, we believe it is important for the Planning Commission to include a limit on the number of residential properties available for short term rental, if the Commission proposes zoning changes to explicitly allow short term rentals. This would be in keeping with the *Casco Township Master Plan* vision to "preserve our rural character"<sup>1</sup> and Casco's goal to "emphasize its role as a rural residential community for seasonal and year-round residents."<sup>2</sup>

If there is to be a rental regulatory ordinance and/or zoning adjustment, there should be a balance between the potential benefits of rental availability in Casco and the Commission's objective to preserve the character of our rural, low density and lakeshore residential districts and to minimize the possible mitigating aspects of transient renting. An upper limit on the percentage of properties licensed to permit renting and restricting the overall annual duration of short term renting would help to accomplish this balance.

Thank you for considering our comments.



William Garrity



René Garrity

1188 Cherry Dr.  
South Haven, MI 49090

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<sup>1</sup> Casco Township Master Plan Update, April 16, 2012, Vision, page 10.

<sup>2</sup> Casco Township Master Plan Update, April 16, 2012, Residential Development Goal, page 12.

**Dian Liepe**

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**From:** Dian Liepe  
**Sent:** Wednesday, August 30, 2017 10:05 AM  
**To:** 'Liepe, Dian'

**From:** Debbie Weaver  
**Sent:** Tuesday, August 29, 2017 6:03 PM  
**To:** [Supervisor@CascoTownship.org](mailto:Supervisor@CascoTownship.org) ; [CascoClerk@gmail.com](mailto:CascoClerk@gmail.com) ; [Treasurer@CascoTownship.org](mailto:Treasurer@CascoTownship.org) ; [graffj@i2k.com](mailto:graffj@i2k.com)  
**Cc:** [skwirely@frontier.com](mailto:skwirely@frontier.com)  
**Subject:** Short term rental

To: Casco Township Board of Trustees and Planning Commission  
From: Debbie and John Weaver, 7271 Pacific Avenue, South Haven, MI 49090  
RE: Short Term Rental  
Date: August 29, 2017

We believe strongly that as home owners in a a summer resort community it is our legal right to rent our home without restriction as long as we and our renters abide by township ordinances. We also believe that the ordinances which may include noise, parking, fireworks, restrictions on the number of people sleeping in a dwelling, etc. apply to all residents, not just rental properties. Safety is foremost and we would agree to safety requirements.

We have been a part of the Casco Township community since 2000. We bought our property in a summer, resort community. Most of the home owners were and still are part time residents. Miami Park was platted as a summer resort community and renting was a norm. There are 706+ 30' lots. Given the zoning laws today of 60' there are over 300 legal building sites in Miami Park. I am told (I haven't counted though) that there are 67 homes in Miami Park today. If Miami park is a residential neighborhood, how could it be that there is not one student in the South Haven or neighboring school districts from Miami Park?

The Casco Township Master Plan states:

“LDR, LOW DENSITY RESIDENTIAL DISTRICT SECTION 8.01 DESCRIPTION AND PURPOSE  
The purpose of this zoning district is to provide areas for a stable and sound family residential environment with suburban-style, single-family dwellings. This zoning district is intended primarily for a relatively low density urban residential pattern with public utilities available, including public sanitary sewer and, where needed, public water.”

Miami Park clearly does not meet this definition, because Miami Park is high density based on the platted subdivision. However, it does meet the definition of “Lakeshore Residential” from the Master Plan and the actual building requirements within Miami Park:

“The Lakeshore Residential category is intended for developments between Lake Michigan and the Blue Star Memorial Highway. Most of this area is re-vegetated sand dunes or clay bluffs. A large portion of that land is already platted, with some of the

platted lots developed and some remaining vacant. The existing lots are generally small in size, some with seasonal occupied by year round homes. In those areas that are already platted, density of existing development varies significantly, but may be as high as eight units per acre, even where public sewer is not available.”

Some of the people who are against renting complain about the number of people in the community during the summer months. The platted subdivision was no secret, anyone who bought property in Miami Park after it was platted was well aware that the community was and is a summer/resort/beach/lake community. The fact that they would prefer it not to grow, does not mean that it shouldn't or that the Planning Board should be manipulated into fighting their battle. Whenever an opportunity to restrict growth in Miami Park arises the same few people jump in and try to restrict it which has a negative impact on the majority. Probably as many as 85% of the homeowners in Miami Park support rentals.

This rental season was used as a research tool for the rental ordinance. The results were very clear, there is no issue with renting. We have 12 angry people looking to complain. The good neighbor policy was a successful tool to give guidelines to renters and non renters about acceptable behavior. **Banning or restricting short term rentals or creating rules that apply to one homeowner and not all for the benefit of a few is a violation of private property rights. Is the township prepared to compensate those homeowners who are negatively impacted?**

This has been a hard and long process and most of the board members are doing a good job of being fair and unbiased. However, Judy Graff seems to have a strong personal bias and conflict of interest against renting. We are not sure if it is because she lives next door to a renter or because she has strong personal connections to people who are anti-renting, but whatever the reason, she demonstrates continuously a strong personal bias against renting. She does not make decisions in an impartial fair manner. She is a bully on the board and we think she should be removed due to her obvious bias!

Please reference letters from Ann McEvoy, Carol Lenaway and Julie Werkema and acknowledge our support of the arguments they have made. So as not to be repetitive or redundant we are referencing them here.

Respectfully,

Debbie and John Weaver

To: Casco Township Board of Trustees and Planning Commission

From: Ann McEvoy, 643 Lakeshore Dr., Miami Park, South Haven, MI, 49090

RE: Short-term rental issues and private property rights.

Date: August 24, 2017

Dear Members of the Board of trustees and the Planning Commission,

This letter is written to provide comments and input regarding short-term rentals in Casco Township.

I own a small vacation home at the address listed above. It was built in 2002 and I began renting it in 2016. Visitors have been renting homes in Miami Park since I bought my first cottage in 2000. It has been a joy talking with many of them over the years. They seem to be delighted to be here and I am delighted to have them. It is a privilege to own a home in such a beautiful traditional resort area established in the 1920's and to share it with people who have been invited by the state of Michigan to vacation here.

My comments/beliefs related to short-term rentals and private property rights follow.

Short-term rentals is a national issue affecting all state and local governments. The various legislative actions and judicial interpretations related to property rights are inconsistent. It would be helpful if the legislative and judicial branches of the federal government would step in to provide clarity and guidance to everyone. There are many property and other rights surrounding this issue, but, simplistically, doesn't it begin with the U.S. Constitution?

In the oath of public officers (Constitution of Michigan of 1963), legislative, executive and judicial officers swear to support the Constitution of the United States and the Constitution of Michigan.

My understanding and belief related to the pertinent sections of the U.S. Constitution's Bill of Rights:

**The Fifth Amendment**, in its recognition of private property, states "Nor shall (anyone) be deprived of life, liberty, or property without due process of law; Nor shall property be taken for public use without just compensation".

The **Takings/Just Compensation Clause** requires compensation for financial losses for taking title through condemnation and for regulatory takings for other than health or safety reasons.

**Comment:** An outright ban on private property rentals is unquestionably a regulatory taking of economic value. If it comes to it, is the township able to compensate all of the individuals who rent their property for their loss of income over the life of their property?

**Note:** Other considerations that have been discussed include the negative impacts on property values and the local/state economy.

**The Fourteenth Amendment** repeats the words of the Fifth Amendment to describe the legal obligation of all states.

**The Equal Protection Clause** grants all people protection under the law i.e. should not give preference to one person or class of persons over another

**Comment:** It seems that taking away the private property rights of some, (i.e. the right to rent) for the benefit of other private property owners isn't equal protection.

**Comment:** I believe that people have the right to buy, live in, rent and sell private property as long as this use doesn't violate the rights of others to quiet enjoyment. Why would a property owner require permission to exercise rights granted under the Constitution? For example, citizens don't need permission to exercise their right of free speech. I believe that renting one's property is automatically legal as granted under the constitution and has been all along. (Exceptions relate to contracts signed by members of a home owners association as separate legal agreements)

**The Tenth Amendment Police Power Clause** permits regulation for health, safety and welfare (health, happiness and fortunes of a person or group, well-being, comfort, security, safety, protection, prosperity, success) purposes.

**Comment:** Several items seem to fall under this category. In the "Good Neighbor Policy for Short-Term Renters" many items, including noise and parking restrictions, were identified for the benefit of the public and seem appropriate in terms of application to all residents.

It seems reasonable that health, safety and some other rental regulations would be included i.e. safety/fire inspections and registration of rentals. The length of stay should not be restricted; short-term rentals are offered because people want to visit the Lake Michigan coast for week-long vacations, holidays and weekends. Limitations on the number of guests should not be unduly restrictive or arbitrary. Restrictions on the number of rentals allowed in a particular area and distance limitations between rental/non-rental houses take away the property rights of some for the benefit of others.

**Note:** Density has been mentioned as a concern by some. The growth in the lake shore communities of Casco Township was and is predictable. The number of homes could potentially come close to doubling what it is now, based on the empty parcels reported in attachment 7 of the 4/12/17 meeting minutes. I think that the control of platted private property to limit density doesn't rest with the township government, but with the free market that provides anyone the opportunity to purchase vacant land that comes up for sale. All benefits come at a cost to those receiving them.

Please refer to the recent letters from Carol Lenaway and John and Debbie Weaver. I fully support the arguments that they have made.

Sincerely,

Ann McEvoy

attachment # 6

# williams & works

engineers | surveyors | planners

## MEMORANDUM

**To:** Casco Township Planning Commission  
**Date:** August 24, 2017  
**From:** Lynee Wells, AICP  
**RE:** Rental Amendment Draft

Please find the revised language as discussed by the Planning Commission at the 8.16.17 work session. I have highlighted new and revised language. The following language includes only additions to the Zoning Ordinance text and does not include full sections or chapters.

Items yet to determine and finalize related to zoning matters:

- Owner-occupied verification and potential loop holes
- Saturation
- Number of rental occurrences
- Fire pit
- Beach tents

### SECTION 2.13 DEFINITIONS – L

#### LIMITED SHORT TERM RENTAL

The rental of any dwelling for 14 days or less in any calendar year.

#### LONG TERM RENTAL

The rental of any dwelling for a term of 28 consecutive days or more in any calendar year.

### SECTION 2.15 DEFINITIONS – N

#### NEIGHBOR

A property owner or tenant that occupies a lot or dwelling located adjacent, abutting, or within two-hundred (200) feet of the lot line of another lot or dwelling.

### SECTION 2.16 DEFINITIONS – O

#### OWNER

A person(s) or entity(ies) holding legal or equitable title to the premises.

#### OWNER-OCCUPIED

A dwelling which is inhabited by the owner during the duration of a rental period.

#### OWNER'S AGENT

An individual designated by the owner to oversee the rental of a dwelling unit and to respond to calls from renters, neighbors, concerned citizens, and representatives from the township.

#### OVERNIGHT GUESTS

Individuals who are not listed on a lease agreement, but stay at a short term, long term or limited short term rental for the duration of a night.

### SECTION 2.19 DEFINITIONS – S

#### SHORT TERM RENTAL

The rental of any dwelling for a term of less than 28 days in any calendar year; the definition does not include the use of campgrounds, hotel rooms, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health-care related clinic.

### SECTION 3.39 RENTAL OF DWELLINGS

All limited short term, short term, and long term rentals as defined in Chapter 2 shall be subject to the following regulations and performance standards:

- A. Regulations applicable to short term, limited short term and long term rentals.
1. Garbage and refuse: Garbage shall be kept in a closed container and disposed of on a regular basis.
  2. Lighting: All lighting on the premises shall be fully cut-off, downward-facing, dark-sky compliant, and shall not cast glare or light beyond the property line.
  3. Parking: Parking shall comply with the standards of Chapter 18 and Section 3.24.
  4. Postings: In-unit and "good neighbor" postings shall be provided and shall describe at a minimum the name and telephone number of the owner or owner's agent, notification of the maximum occupancy, notification and instructions as to parking locations, and a copy of this Section. The posting shall be located in a conspicuous place.
  5. ~~Building Code: All dwellings for rent shall comply with the Michigan Building Code for single family dwellings.~~ (Can be addressed in regulator ordinance.)
  6. Signage: Each property shall have an address number clearly visible from the driveway intersecting the public or private street accessing the subject site. All other signage, if permitted, shall comply with the standards of Section 19.07.
  7. Ancillary uses: Ancillary uses shall be regulated by applicable Township ordinances. Any ancillary uses not conforming to respective regulations may be considered a public nuisance per say subject to Section 21.04.

B. Regulations applicable to short term rentals.

1. Length of stay:

- a. If the short term rental is owner-occupied, and the owner is present on-site and in-dwelling during the entire time of the rental period, no minimum stay required.
- b. If located in AG, RR, C-1, C-2, PUD, or I-1, no minimum stay required.
- c. If located in LDR, MDR, and Lakeshore A and B, six (6) night minimum stay required.

2. Maximum occupancy:

- a. If the short term rental is owner-occupied, and the owner is present on-site and in-dwelling during the entire time of the rental period, no maximum occupancy.
- b. ~~If located in AG, RR, C-1, C-2, PUD, or I-1, no maximum occupancy.~~ (Not sure this is needed because we only need to state what is not permitted.)
- c. If located in LDR, MDR, and Lakeshore A and B, up to three (3) people per bedroom, not to exceed 10 total people in the entire dwelling.
- d. No tents or campers for overnight lodging shall be permitted in LDR, MDR, and Lakeshore A and B during a rental period.

3. Overnight and daytime guests:

- a. If the short term rental is owner-occupied, and the owner is present on-site and in-dwelling during the entire time of the rental period, no limits on overnight and daytime guests.
- b. ~~If located in AG, RR, C-1, C-2, PUD, or I-1, no limits on overnight and daytime guests.~~ (Not sure this is needed because we only need to state what is not permitted.)
- c. If located in LDR, MDR, and Lakeshore A and B, no daytime or overnight guests permitted during a rental period.

4. Owner's agent: The owner or owner's agent shall be capable of being present at the property containing a short term rental within an hour of being notified by the Township or other applicable enforcement agency to be on-site.

5. Registration and certification: Short term rentals shall be registered by the owner or owner's agent and certified by the Township. Any change in ownership shall

cease rental certification, and the new owner shall be required to file and complete a new registration and pursue certification.

6. **Notification to neighbors:** An applicant seeking registration and certification and/or re-registration or re-certification shall notify all neighbors within two-hundred (200) feet of the subject property boundary of the intended establishment of a short term rental. Proof of notice shall be provided to the Township by affidavit signed by the applicant or by furnishing certified mail receipts to the Township prior to certification or re-certification.
7. **Inspection.** Inspection by the Township shall be required prior to certification or re-certification.

**SECTION 5.02 PERMITTED USES AND SPECIAL USES**

USES	AG
Limited short term rental	P
Long term rental	P
Short term rental	P

**SECTION 6.02 PERMITTED USES AND SPECIAL USES**

USES	RR
Limited short term rental	P
Long term rental	P
Short term rental	P

**SECTION 7A.02 PERMITTED USES AND SPECIAL USES**

USES	LR-A
Limited short term rental	P
Long term rental	P
Short term rental	P

**SECTION 7B.02 PERMITTED USES AND SPECIAL USES**

USES	LR-B
Limited short term rental	P
Long term rental	P
Short term rental	P

**SECTION 8.02 PERMITTED USES AND SPECIAL USES**

USES	LDR
Limited short term rental	P
Long term rental	P
Short term rental	P

**SECTION 9.02 PERMITTED USES AND SPECIAL USES**

USES	MDR
Limited short term rental	P
Long term rental	P
Short term rental	P

**SECTION 11.02 PERMITTED USES AND SPECIAL USES**

USES	C-1
Limited short term rental	P
Long term rental	P
Short term rental	P

**SECTION 12.02 PERMITTED USES AND SPECIAL USES**

USES	C-2
Limited short term rental	P
Long term rental	P
Short term rental	P

**SECTION 13.02 PERMITTED USES AND SPECIAL USES**

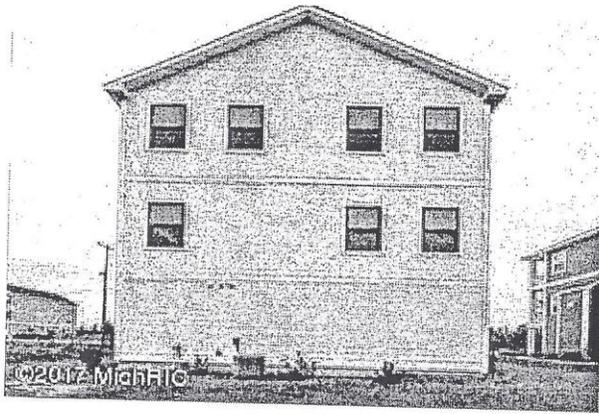
USES	I
Limited short term rental	P
Long term rental	P

Short term rental	P
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As always, please let us know if you have any questions.

attachment 7





6 Bdrms  $\frac{1}{2}$  on top floor  
no fire exit

$3\frac{1}{2}$  bath

3000 sq. ft.

60 x 105 ft. lot.

currently renting for

\$725.00 per night

Assessed Value \$58,100

taxable Value \$28,650

### General Property Information

Allegan County

Parcel: 02-544-012-00 Unit: CASCO TOWNSHIP

[Back to Non-Printer Friendly Version] [Send To Printer]

For Further information, please contact the local unit listed above

<b>Property Address</b>	[collapse]

<b>Owner Information</b>	[collapse]
<b>Unit:</b>	02

<b>Taxpayer Information</b>	[collapse]
SEE OWNER INFORMATION	

### General Information for Tax Year 2017

<b>Property Class:</b>	401 - Residential	<b>Assessed Value:</b>	\$58,100
<b>School District:</b>	80010 - District 80010	<b>Taxable Value:</b>	\$28,907
<b>State Equalized Value:</b>	\$58,100	<b>Map #</b>	
<b>LAKEVIEW</b>	0	<b>Date of Last Name Chg:</b>	10/26/2015
<b>Historical District:</b>	NO	<b>Date Filed:</b>	
		<b>Notes:</b>	N/A
		<b>Census Block Group:</b>	
<b>Principal Residence Exemption</b>	<b>June 1st</b>	<b>Final</b>	
2018	0.0000 %	-	
2017	0.0000 %	0.0000 %	

Previous Year Info	MBOR Assessed	Final S.E.V.	Final Taxable
2016	\$0	\$28,650	\$28,650
2015	\$0	\$0	\$0

### Land Information

<b>Lot 1:</b>	<b>Frontage:</b> 0.00 Ft.	<b>Depth:</b> 0.00 Ft.
<b>Lot 2:</b>	0.00 Ft.	0.00 Ft.
<b>Lot 3:</b>	0.00 Ft.	0.00 Ft.
<b>Total Frontage:</b>	0.00 Ft.	<b>Average Depth:</b> 0.00 Ft.
<b>Total Acreage:</b>	6300.00	
<b>Zoning Code:</b>	AGRICU	
<b>Total Estimated Land Value:</b>	\$0	<b>Mortgage Code:</b>
<b>Land Improvements:</b>	\$0	<b>Lot Dimensions/Comments:</b>
<b>Renaissance Zone:</b>	NO	

<b>Renaissance Zone Expiration</b>	
<b>Date:</b>	
<b>ECF Neighborhood Code:</b>	MIAMW

<b>Legal Information for 02-544-012-00</b>	[collapse]
LOTS 12 & 13 INC BLK 4 MIAMI PARK SEC 13 T1N R17W (2016).	

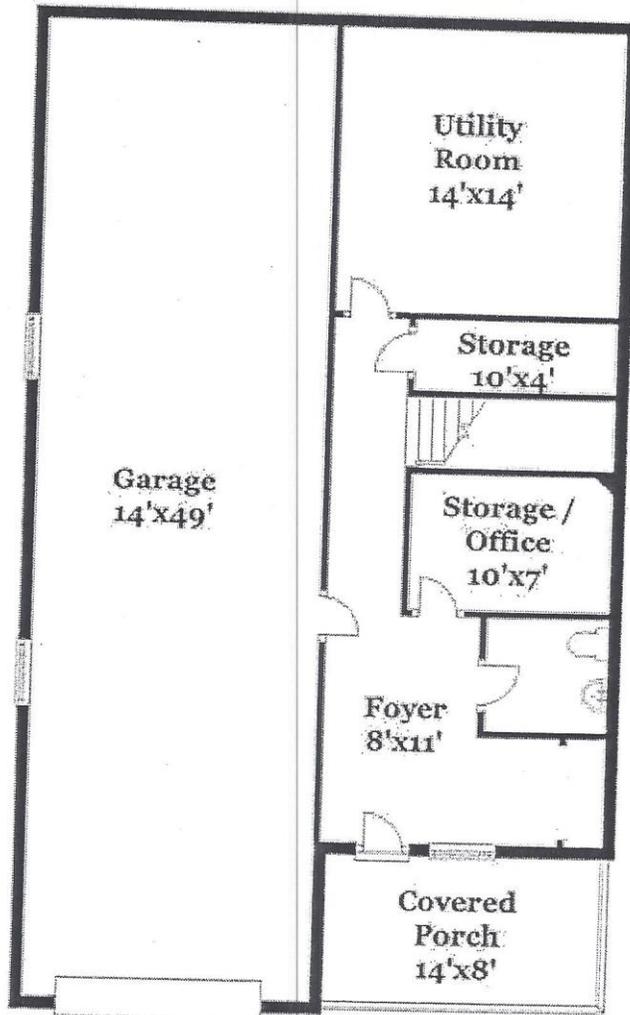
**Sales Information**

<b>1 sale record(s) found.</b>						
<b>Sale Date</b>	<b>Sale Price</b>	<b>Instrument</b>	<b>Grantor</b>	<b>Grantee</b>	<b>Terms Of Sale</b>	<b>Liber/Page</b>
08/25/2015	\$200,000.00	WD	TRIA DEVELOPMENT INC	AMERICA LIVING INC	ARMS LENGTH	3959/886

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[Privacy Policy](#)

1<sup>st</sup> floor



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2<sup>nd</sup> floor

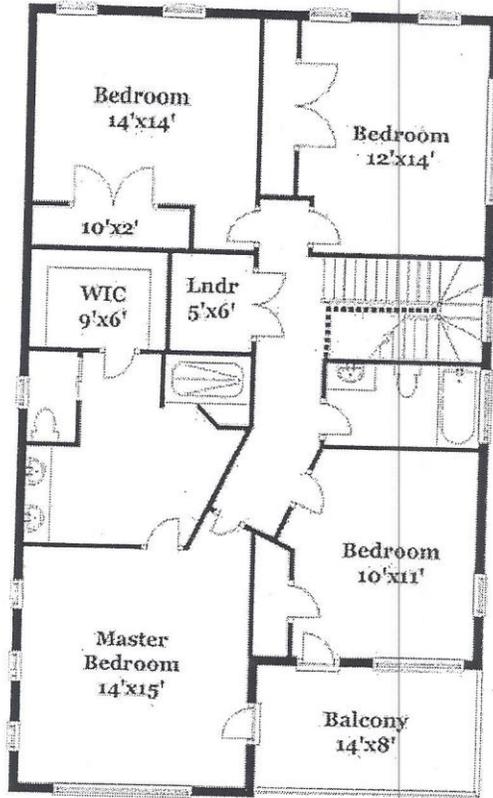


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3rd floor



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