

**YANKEE SPRINGS TOWNSHIP
ZONING BOARD OF APPEALS
Tuesday, June 11, 2024
6:00 PM
Yankee Springs Township Hall
284 N. Briggs Rd., Middleville, MI 49333
MINUTES**

FINAL MINUTES
Page 1 of 4
ZBA Meeting
June 11, 2024

Meeting called to order at 6:00 PM by Jake Welch

CALL TO ORDER

Roll Call: Dave VanHouten, John Frigmanski, Ron Heilman, Jake Welch, Tom Mawson (All Present)

ROLL CALL

Absent with Notice: Mike Boysen

Staff Present: Sandy Marcukaitis, Mike Cunningham (attending as township resident), Brad Williams

Visitors: 12

PLEDGE OF ALLEGIANCE

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REPORTS FROM REPRESENTATIVES:

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Planning Commission: Mr. Frigmanski shared the following:

- Working on the Master Plan is the main thing right now.

Board of Trustees: Mr. VanHouten gave the following updates:

- Kitchen project is on hold.
- Approved 2 dry suits for fire department.
- Fire station storage addition is on hold for now.
- Evans Lane Special Assessment District approved.
- The north wall damage has been repaired.
- Newsletter has been sent out.
- Budget meetings: held meeting 5/30 and next one will be 6/12.
- Employee CPR training held on 5/26 and another one will take place on 6/25.
- Chief Stoddard still having some serious health issues.

CONFLICT OF INTEREST

INQUIRY ON CONFLICT OF INTEREST:

Mr. Heilman inquired if there are any conflicts of interest with the board regarding the case on tonight's agenda. There are none. Mr. Heilman did receive a letter in his mailbox from the applicants which he turned over to the Zoning Administrator.

APPROVAL OF MINUTES:

APPROVAL OF MINUTES 05/14/2024

Correction to minutes from May 14: James Penix who spoke regarding the Kay Cumminford

case, address should have been recorded as PARK, not PARKER.

Motion by Heilman with support from Frigmanski to approve the minutes from May 14, 2024 meeting as corrected. All ayes. MOTION CARRIED.

NEW BUSINESS:

ZBA 24-05-02 Parcel ID 16-105-018-00, 2797 Russell Dr., Wayland MI 49348

An appeal by property owners Lara Brower and Stephanie Rutkowski from the decision of the Zoning Administrator denying their application for a commercial short-term rental at the above address.

Lara Brower and Stephanie Rutkowski presented their appeal. They understand that the Board may not want to make many exceptions but they believe they are in a gray area. When calling the township in 2023 they were told if they weren't renting in 2023, they could wait until 2024 to apply for a permit. Due to the new ordinance, they were denied a permit in 2024. Had they applied in August of 2023, they would have been eligible to get a permit in 2024. They understand that they are still allowed to have long term renters but feel that this will not bring in the revenue that they were expecting.

The board members asked questions which the property owners answered.

Mr. Welch explained that the Board is only here to adjudicate this case and not to discuss the ordinance in general

Public Comment:

Diane Gaertner (10771 Gun Lake Rd): Asked for clarification that the owners cannot have a short-term rental permit for this year because they did not have one last year. Mr. Welch responded that yes, that is the ordinance that is now in place. There will not be any new short-term rentals allowed.

Brad Williams (Yankee Springs Township employee): He has concerns with the information presented by the two ladies. He did go to the residence expecting to see a renter and issue a citation but instead he spoke to Stephanie. Stephanie told him they weren't renting the home and she didn't know why it was being advertised. Based on that conversation the township understood that there had been an error and did not follow through with fining the owners for having a rental property without the proper permit. He expressed his opinion that it was hard to believe any one at the office would have told them not to apply for a permit.

The property owners responded that they remember the conversation differently and that they took down the listings on Air BNB and VRBO when they found out they were not allowed.

Amy Garn (12747 Whispering Pines): Her first question was that if she had an application last year, which she did, she could get one this year. She didn't remember that there was a timeline for that last year and wondered what the time frame was for getting the permit. Mr. Welch explained that she would have to ask the Zoning Administrator about that and it is not pertinent to this case. She expressed that tourists are needed for this community and that this would hurt the community and the business owners. She also asked if Brad Williams lived in the township and since he does not, she doesn't feel that he should have been able to speak during public comment.

Joseph Darin (12923 Johnson Rd): He is concerned about break-ins and crimes that have happened recently in the area. He is worried about safety and traffic and they live on a private road where there isn't much traffic. They can't keep an eye on the renters when they don't live here. He lives here all year long and supports the community. When one family rents the house and then they have visitors to and maybe 25 more people coming up and down the private road and having parties. He agreed to the owners having a rental property when he thought that they lived here. Now that he knows they are in Hudsonville he is against the weekly rental. He agrees with the 28-day rental.

Roy Millwood (12880 Hazel Dr): He is in a similar situation to the two ladies. He rented his place in 2022 but wasn't able to rent it in 2023. He had \$30,000 in rentals booked for his home for 2024 and now he can't rent based on the new rule. He supports them because by approving or disapproving their appeal will set a precedent. He asked if the goal was to eliminate all short-term rentals. Mr. Welch explained that this Board can't answer those questions and they should be asked to the Township Board as tonight is only for this appeal. Mr. Millwood feels that it is a travesty to eliminate the chance for people who don't live on the lake to be able to experience it.

Mr. Welch then read three letters from township residents.

- Albert and Christy Kahler of 2777 Russell Drive wrote in favor of approving the appeal.
- Nancy and Greg Drier of 12901 Johnson Drive wrote in opposition of granting the appeal.
- An additional letter was received and read in support of granting the appeal from Stephen Klotz, owner of 2783 and 2791 Russell Drive.

Motion by Mawson with support from Frigmanski to close public comment. All ayes.

MOTION CARRIED.

Board deliberations took place.

The decision to be made tonight is only whether the Zoning Administrator's decision was in error. Mr. Heilman explained that it was decided in October that there was a need to look at the short-term rental ordinance due to a large number of complaints. A committee was formed to do that. The State of Michigan courts had made a decision that short term rentals are a commercial enterprise and didn't belong in residential areas. Other townships started looking into this as well and the township committee gave their information to the Planning Commission to discuss and decide on whether to adopt an ordinance. Notices for all the meetings of the subcommittee, the Planning Commission and later the Board of Trustees were published and people came to all the meetings to give their input. The ordinance was just put in place and once the decision is made it will set a precedent. The Board of Trustees made the decision with the input that most of the residents were in favor of the ordinance. Even taking the applicants at face value and believing what they said, the decision tonight has to be based on whether the Zoning Administrator enforced the ordinance that is in place properly.

Motion by VanHouten with support from Heilman to affirm the Zoning Administrator's decision. Roll Call Vote: Mawson: yes; Welch: yes; Frigmanski: yes; Heilman: yes;

VanHouten: yes.

Yes: 5, No: 0. MOTION CARRIED

OLD BUSINESS:

None.

**MOTION TO DENY
THE APPEAL**

OLD BUSINESS

PUBLIC COMMENT (limited to 3 minutes):

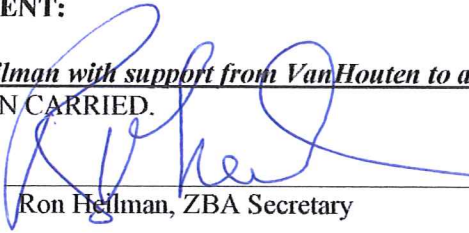
None.

PUBLIC COMMENT

ADJOURNMENT:

Motion by Heilman with support from VanHouten to adjourn the meeting at 6:46 PM. All ayes. MOTION CARRIED.

Approved by:


Ron Heilman, ZBA Secretary

Date:

07/08/2024

ADJOURNMENT

Respectfully submitted by:

Betsy Frigmanski, Recording Secretary

June 12, 2024