

YANKEE SPRINGS TOWNSHIP ZONING BOARD OF APPEALS <u>Tuesday, December 9, 2025</u> 6:00 PM Yankee Springs Township Hall 284 N. Briggs Rd., Middletown, MI 49333 FINAL MINUTES	<u>FINAL MINUTES</u> Page 1 of 5 ZBA Meeting December 9, 2025
Meeting called to order at 6:00 PM by Jake Welch PLEDGE OF ALLEGIANCE Roll Call: Dave VanHouten, Ron Heilman, John Frigmanski, Jake Welch (All Present) Mike Boysen (absent without notice) Tom Mawson (absent with notice) Staff Present: Joe Shea, Sandy Marcukaitis, Dennis Buist Visitors: 7	CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL
REPORTS FROM REPRESENTATIVES: Planning Commission: Mr. Frigmanski gave an update on the recent meeting: - Working on the mining ordinance and holding a special meeting on Friday. - Continuing work on the Master plan. Board of Trustees: Mr. VanHouten shared the following board actions: - The board presented a plaque to the family of Rich Beukema for 27 years of service to the township. - Appointed John Tryger to the PC. - Reinstated the two public comment sessions at board meetings. - Approved sale of the old fire truck.	REPORTS FROM REPRESENTATIVES
INQUIRY ON CONFLICT OF INTEREST: Mr. Welch inquired if there are any conflicts of interest with the board regarding the case on tonight's agenda. Roll Call: VanHouten: No, Heilman: No, Frigmanski: No, Welch: No.	CONFLICT OF INTEREST
APPROVAL OF MINUTES: <u>Motion by Heilman with support from Frigmanski to approve the minutes from the April 8, 2025 meeting as presented.</u> All ayes. MOTION CARRIED. <i>Chairman Welch called a recess at 6:03 to allow for arrival of attorney and board member Boysen. The appellants were given an option to postpone this matter to the next meeting due</i>	APPROVAL OF MINUTES 04/08/2025

to having only four members of the ZBA present. They chose to continue with the appeal tonight. Meeting resumed at 6:08 PM.

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NEW BUSINESS:

ZBA 25-11-05; Parcel ID 16-030-040-00; 12774 Russell Road, Wayland MI 49348. The property is zoned Residential Single Family (RSF). The property owner, Andy Northey/Swan Equity is appealing the decision of the zoning administrator denying a short-term rental permit pursuant to Article XX of the Yankee Springs Township Zoning Ordinance.

**ZBA 25-11-05 APPEAL
BY ANDY NORTHEY /
SWAN EQUITY**

Joe Shea (Zoning Administrator) gave an overview of his report on this case:

- Section 10.7 provides that the township may revoke a permit upon sale or transfer of the property and that is what happened in this case.
- Previous owner, Jeremy Rhodes, had an STR permit which states on the face of the permit that it is not transferable if the property is sold.
- Contacted Mr. Rhodes by email in September to remind him that the STR permit was not transferrable to a new owner if the property is sold and again in November after the property was sold to inform him that the STR permit was revoked.
- Mr. Northey filed an application for an STR and Mr. Shea spoke with him on the telephone explaining that the permit was revoked and would not be reissued.
- Mr. Northey is appealing that decision. The ZBA must decide if the ZA made an error in denying the commercial STR permit. There are attorneys here tonight to help with any legal issues.

Chairman Welch states that any such appeal must be made within 30 days which has been met, so we are here tonight to hear both sides and determine if there was an error in the ruling.

Motion by Heilman with support from VanHouten to open public hearing 6:13 PM. All ayes.
MOTION CARRIED.

Steve Glista (Attorney for Swan Equity) spoke on behalf of Andy Northey and Shawna Blum. He agrees with statement made by Mr. Shea other than he had a different date for when the application was received from Swan Equity to obtain an STR permit. He says it was done immediately after the purchase of the property because they wanted to continue renting the property legally. He argues the decision was an abuse of discretion by the Zoning Administrator. It was inappropriate given the character of the neighborhood, the character of the surrounding homes, and the previous use of this property and properties that are in the immediate surrounding neighborhood.

He referenced a written statement that was made for the appeal which has been provided to the board. With the exception of the RSF zoning, this property meets all the criteria for an STR permit under the township's ordinance. He showed documentation of several properties that are located in very close proximity to this property that are currently advertised on Airbnb and VRBO. The ordinance says "may" doesn't say "shall" revoke so they are asking that the Board reverse the decision.

Mr. Heilman inquired if the property owner had knowledge that the Township had put in

regulations not allowing additional STR properties and Mr. Glista said he does not believe they were aware.

Emails were sent to the previous owner on September 5 and then again November 3 that the STR permit was revoked. Mr. Shea said he spoke to Mr. Northey approximately a week before that.

Mr. Glista said Mr. Northey hand delivered a transfer application to the township on October 23rd and it was denied within 24 hours. Mr. Shea concurred with that.

Lyndsey VanderHoff (2620 Cork St): She states that since this property has become a short-term rental there have been many problems. The hot tub in the backyard is the source of many of the problems with people being naked during the day. They have had parties, parking issues, trespassing by humans and pets. A lot of the issues were taken up with the property manager and eventually involved law enforcement. Most of the homes in the area even if permitted as short-term rentals are actually used as long term. Before the property was sold, she was taking action to see if the township would not renew the permit due to all these issues. The problems come up with bachelor and bachelorette parties. She is speaking on behalf of herself and the other residents of Cork Street. She also states that the new owners have been advertising the home for rental even though they do not currently have a valid permit.

Chairman Welch read Ms. VanderHoff's email received November 30, 2025, into the minutes:

Hi Joe,

We have received your letter regarding the STR on 12774 Russell Dr. We are not sure if we can make the hearing but I wanted to make sure I emailed.

We have had so many issues since that property became a short-term rental. From guests being nude in the backyard, human trespassers, animals trespassing. Loud parties, parking issues, littering and a general disrespect by guests for neighbors. It has been a large disruption to our community of people who live here year-round. Some issues have been reported while others were addressed with the prior property manager. Some issues required police intervention.

This is a residential area full of families that should not have to continue to deal with issues from someone's investment.

I also have knowledge that since this property was sold it has been operating as a STR on Airbnb without a license.

I have attached photos of the rental on Airbnb with reviews that are very recent.

Please deny a STR permit and allow our neighborhood to remain a safe and great place to have a family.

Mr. Glista states that the property is currently leased but not for less than the required 28 days. Mr. Shea confirmed that a permit is not needed for rentals of 28 days or more.

Mr. Heilman inquired of Mr. Northey if he had ever seen the STR permit that should have been posted on the property. He does not recall ever seeing that. Mr. Northey stated the he understands that the permit would not be transferred but he did believe that a permit would be issued. Chairman Welch read from the ordinance that new permits will not be allowed in SFR zoning areas. Mr. Northey states that he had heard about problems with previous renters as well, and they do not want that type of renter at all. They are following the rules and

advertising it as a rental for 28 days or longer. He lives 1.1 mile away from the property and they do not want to have bachelor parties. Current renters are there for 28 days plus and that's how they are advertising it.

Mr. Steven: The previous owner had a legal non-conforming use, and we are asking for the permit to be transferred to the new owners for a legal, non-conforming use. The wording in the ordinance is discretionary – it says the township “may” not that they have to.

Mr. Heilman read from the Michigan Court of Appeals explaining that this is the basis for why short-term rentals are not allowed in these areas of the township. A short-term rental is a commercial use of property, and it has been established that running a business in a neighborhood is not desirable.

Mr. Shea clarifies that short term rentals are allowed in most zoning districts, just not in these four. If you have RR, Rural Ag, you can have a short-term rental because the homes are not close together. The Board's intention was to eventually phase out short term rentals that existed in these neighborhoods, so the permits were not made transferable to new owners. There were a lot of hearings on this ordinance and public support was overwhelming. Keeping in mind what the policy is he feels the decision is supported by the plain language of the ordinance. The case law and the master plan support his decision.

The Cotes Drive STRs and several others in that areas had been zoned RC at the time the appeals were filed. The rezoning to RSFL did not go into effect until August 1st. The owners were permitted to file for an SEU if they did so prior to the effective date of the zoning change.

Motion by Heilman with support from Frigmanski to close the public hearing at 6:39 PM. All ayes. MOTION CARRIED.

Discussion by the Board members occurred. The Board is here to decide if Zoning Administrator made an error in his decision. Trustee VanHouten and Planning Commission member Frigmanski confirmed that the intent of the Board and the Master Plan is to phase out short term rentals in this zoning district by not allowing transference of the STR permits.

Motion by VanHouten with support from Frigmanski that the zoning administrator made the correct decision and denying the applicants' request to overturn the zoning administrator's decision. Discussion: Voting yes would be a refusal to the applicant's request to overturn the decision. They will still be able to rent for a 28-day or longer period. **Roll Call Vote:** VanHouten: yes, Frigmanski: yes, Heilman: yes, Welch: yes.

Yes: 4, No: 0. MOTION CARRIED.

OLD BUSINESS:

- Officer reappointment:

Motion by Frigmanski with support from VanHouten to leave the officers as is for the coming year. All ayes. MOTION CARRIED

- Joint meeting: The Board of Trustees will be setting a date in January or February. The

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**MOTION TO AFFIRM
DECISION OF ZONING
ADMINISTRATOR**

OLD BUSINESS

**MOTION TO KEEP
OFFICERS THE SAME
FOR COMING YEAR**

ZBA board members stated a preference for a date in mid-January.

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PUBLIC COMMENT:

None

PUBLIC COMMENT

ADJOURNMENT:

Motion by Heilman with support from VanHouten to adjourn at 6:45 PM. All ayes. MOTION CARRIED

ADJOURNMENT

Approved by: _____

Ron Heilman

Date: _____

10/13/2026

Respectfully submitted by:
Betsy Frigmanski, Recording Secretary
December 11, 2025