Information for June 13th, 2017 for the consent agenda of Peninsula Twp. Board on short term rentals

This packet correspondence should be pulled from the consent agenda to the regular agenda as the topic is too important for a lot of residents both pro and con and the opinions expressed by legal representation for the Twp. should be available for public examination, scrutiny, and comment. Board members should listen to not just their legal representation who tend to side with the implied interest of peninsula elected and appointed representatives. A number of Twp board members last month suggested a public forum get together on this topic. That is a good idea to hear facts about STR, Airbnb, vrbo, Homeaway, and the like. There is just too much misinformation existing at this time period. We need facts and experiences of people who have used STR, Airbnb, VRBO . This should not be a consent agenda item.

First off missing from the packet are the memos from Sept 26, 27, 2012 to Mr. Hayward from Mr. Graham that are referenced in the June Graham memo. Please add these to public accessible documents. So Mr. Hayward has offered additional information from MSU and he presented this in a neutral manner. Thank you Gordon. But the information you have received from council is highly biased against STR vs. what a judge based on law would render, or our ZBA.

So specifically the legal counsel for the twp. in his rebuttal of STR in Residential, Ag, or Commercial. states that the definition of “family and domicile” are the determining doctrines. They are NOT (emphasis mine). So specifically in our zoning code “dwelling single family” is “ a detached building DESIGNED for OR, occupied exclusively by one family unit.” So as long as the dwelling unit is DESIGNED as a single family (ie one heating system, one waste water, one potable water system, for example) it is designed as a single family dwelling. So it is an EITHER OR situation, not AND. It does NOT have to be inhabited and occupied exclusively by the domiciled family. Further “dwelling unit” is defined in our code, “a building or portion therefore DESIGNED exclusively for residential occupancy by one family regardless of whether cooking facilities exist.” So the definition of family is not pertinent. It is about how the house or dwelling unit was DESIGNED, not which family resides in the dwelling unit.

Ok so now the exclusion on 30 days or less rental. Our twp. council makes light of the fact that a zoning change was made to prohibit a home rental of 30 days or less in the Residential zones but was not specifically excluded from the Ag or Commercial zones. He implies that it was meant for all zones but it was not. It was specifically added to the R zone and is conspicuously absent from Ag and Commercial. And since it was specifically added to R and not Ag or commercial, STR is a use by right in Ag or commercial. There was most likely a reason for this. A recent article in the Record Eagle from a fruit farmer on Peninsula talked about the need for STR for farm help. That is most likely why wise board members previously decided to protect and promote our AG, Ag tourism, restaurants, and winery interests a number of years ago.

Regards,

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