

**Packet Addition  
March 26, 2025,  
Township Board Special Meeting**

# **Information and Correspondence on Short-Term Rentals**

Approved  
10/14/99

**Peninsula Township Zoning Board of Appeals Regular Meeting  
September 9, 1999**

**PRESENT:** Chair Roach; Dean; Rowlett; Gray; Beckett; Boursaw, Recording Secretary; Hayward, Planner/Zoning Administrator.  
**ABSENT:** None.

Meeting called to order at 7:30 p.m.

Chair Roach introduced those present and explained that all five of the basic conditions and one of the special conditions have to be met in order for a variance to be granted. Hayward noted that the Grand Traverse Regional Land Conservancy request for variance has been withdrawn from the agenda.

**1. Clarence Kevwitch, 16460 Wrightwood Terrace Drive, Traverse City, MI 49686.** Request to change the condition of Variance No. 275 regarding a 13-foot wide additional road easement or a variance of 13 feet from the 25-foot front yard setback to construct a garage. Tabled from last meeting.

**Parcel Code #28-11-111-016-00.**

**Kevwitch** explained his request. He would like to be treated the same as other such requests from Wrightwood Terrace residents. He identified minutes from previous ZBA meetings, as well as other correspondence. Also noted a conversation with the fire chief, who indicated no real problems with the road.

**Roach** regarding easement, last month we were talking about a 3' easement? **Hayward** reviewed photos. **VanderMey** noted his visit with Kevwitch at Wrightwood Terrace. The road is narrow and difficult to maneuver in places. **Kevwitch** would be willing to work with him to eliminate road problems. **Roach** are overhanging trees or blacktop a big issue? **VanderMey** can't use all of blacktop, but have to live with roads that were built 30 years ago. Worse in winter with snow storage. Overgrowth could be managed by trimming. **Kevwitch** offered to remove a couple of trees. **Hayward** noted issue with Shorewood Road and trees encroaching in road. **VanderMey** worked with association and property owners to alleviate problem. **Hayward** were some trees in right-of-way of road? **VanderMey** yes. **Hayward** do you need 18' of width? **VanderMey** explained. **Hayward** any relationship to size of house/water needed? **VanderMey** bigger the house, the more water that is needed.

**Motion Gray/Roach** to change the condition of No. 275 rescinding requirement for a 33' easement back to 20'.

**Rowlett** can it be contingent on removing shed? **Roach** need to handle separately. **Gray** if went back to 20', could garage stay where it is with no variance? **Hayward** yes, but that's a condition of a previous variance. **Beckett** would we have to address non-conforming issue because of high water

mark? **Hayward** no, would not need variance as currently located with easement. **Gray** amended motion as follows:

**Motion Gray/Roach** to change the condition of No. 275 rescinding requirement for a 33' easement back to 20' with the condition that the tree removal and pruning as discussed with **VanderMey** be completed.  
**Passed Unan.**

**James Perry**, 16580 Wrightwood Terrace. Does this apply to everyone on Wrightwood Terrace? **Roach** no. **Gray** suggested that property owners join together and make application.

**2. William Ebert, 2107 Island View, Traverse City, MI 49686.** Request extension of a non-conforming structure for a bedroom addition to the residence.  
**Parcel Code #28-11-133-036-00.**

**Ebert** would like to build an addition on north side of house. Elderly father who can't handle stairs is coming to live with him. **Roach** requested clarification. **Ebert** explained. **Gray** doesn't see a problem, as it doesn't make a non-conforming structure more non-conforming. **Beckett** agreed. **Dean** seems to be an ideal situation with apartment overlooking bay. **Rowlett** no problem. **Roach** no questions. **Hayward** noted that it would still be a single family structure -- he is not asking for approval of duplex.

**Shall the request of William Ebert, 2107 Island View, Traverse City, MI 49686, for extension of a non-conforming structure for a bedroom addition to the residence be approved? Gray yes. Beckett yes. Dean yes. Rowlett yes. Roach yes.**  
**Passed Unan.**

**3. Robert A. Cram (Wayne Kiley), 10842 Bluff Road, Traverse City, MI 49686.** Request extension of a non-conforming structure for a garage/shop/game room addition to the residence.  
**Parcel Code #28-11-009-033-00.**

**Wayne Kiley, 10819 Bluff Road**, explained. He recently purchased **Cram's** property, giving him a life estate on property. He is requesting permission to build a garage, workshop and game room. The game room would replace an existing carport. All of improvements will be outside of 60' setback. House is non-conforming, as it was built 37 years ago. Architect **Dave Whiteford**, who will design the addition, was present.

**Beckett** noted concern over storage building in setback. No problem with percentage of lot coverage, even if the property lines were changed around? **Hayward** confirmed. **Beckett** not adverse to neighbors. **Rowlett** does he need a permit for either of two buildings? **Hayward** will probably need to apply for storage building, but should be no problem approving it. **Gray** what is the zoning? **Hayward** R1A. **Gray** is it possible to split the parcel in half? **Hayward** maybe, but would need two acres of PUD or variance to do that. **Gray** as a condition, would like **Hayward** to receive clean drawing that shows metal shed conforming. **Hayward** will require.

Shall the request of Robert A. Cram (Wayne Kiley), 10842 Bluff Road, Traverse City, MI 49686, for extension of a non-conforming structure for a garage/shop/game room addition to the residence be approved? Beckett yes. Dean yes. Rowlett yes. Gray yes. Roach yes. Passed Unan.

4. Teri Mulcahy, 7202 Peninsula Dr., Traverse City, MI 49686. Request variance from an open deck as required by Section 6.2.2 (d) Open Decks; to allow a beam and post to support a swing. Parcel Code #28-11-597-002-11. Tabled from 5/13/99.

Attorney Craig Elhart explained Mulcahy's request and noted Dick Ford's letter. The change would be aesthetically pleasing with no difficulties.

Dean no questions. Rowlett we're being asked to decide whether to grant a use variance or a dimensional variance? Roach could consider as a dimensional variance. Rowlett has been to the property three times and doesn't feel any special condition is met, doesn't see as a hardship or any extraordinary circumstances. Gray issue is whether or not this is an open deck. Ordinance does not define what an open deck is. 6.2.2 (d) doesn't specify what an open deck is. Requested clarification. Hayward ZBA has previously decided it was not an open deck as constructed. Gray is it the same structure then as it is now? Roach yes. Gray what was criteria that said it's not open deck? Roach beam extending from structure and post. Gray wouldn't consider that a non-open deck. Roach feels ordinance needs to be amended. Beckett doesn't feel ZBA has authority to grant use variances. Roach views it as strictly a dimensional variance. Gray sees it as township responsibility.

Motion Roach/Gray to not grant use variance.

Passed Unan.

Mulcahy was originally a decorative overhang. Gray suggested considering a dimensional variance of 2 feet to include post and beam. Cited Special Condition A, because ordinance gives no guidance. Roach disagreed. Gray can't interpret what open deck is with no guidelines. Beckett no condition for decorative overhang, would be setting precedent by deciding what an open deck is in a roundabout way. Elhart feels this deck is being singled out as there are many others on the Peninsula. Roach some decks are pre-existing. Dean intent of ordinance is anything attached to building is part of the building. This beam is part of building. Concerned that Peninsula is getting a reputation for being too strict and not addressing people's needs. Roach doing what we can with ordinance, but it needs to be changed. Hayward they were aware of requirements before they built. Dean so she can ask for ordinance to be amended or go to circuit court? Roach yes. Doesn't want to set precedent. Ordinance needs to be changed before allowing.

Shall the request of Teri Mulcahy, 7202 Peninsula Dr., Traverse City, MI 49686, for a variance from an open deck as required by Section 6.2.2 (d) Open Decks; to allow a beam and post to support a swing be approved?

Dean no, doesn't see where it fits any special conditions. Rowlett no. Gray yes, meets basic condition and Special Condition A. Beckett no, meets basic condition, but no special conditions. Roach no, already granted variance on building once. Also, dangerous precedence would be set,

dangerous to Peninsula residents and contrary to public interest of intent and purpose of ordinance.  
Denied 4-1.

5. Township Zoning Administrator, 13235 Center Road, Traverse City, MI 49686, Requests clarification of the minimum length of time that a dwelling may be rented and be in conformance with the intent of the Ordinance. Tabled from last meeting.

**Hayward** explained the request. As indicated at last month's meeting, the definition of family is not a transient group. Uses in a residential district were limited to a single-family dwelling used by a family. Therefore, the intent of the ordinance is that rentals would not be allowed in residential zones without an amendment to zoning ordinance. Also, rental by day or week not intent of ordinance. Needs limit on who can rent single family residences. An ordinance amendment is probably appropriate.

**Roach** noted waterfront cottage vs a house in subdivision. These two things need to be separated. **Hayward** perhaps some conditions should be included for short-term that are not for longer-term rentals. **Gray** chateau can rent by day with special use permit, same for B&B. Unsure about incorporating commercial use in residential district. **Hayward** one possibility could be requirement that it needs to be owner-occupied at least part of year. Feels an ordinance amendment could deal with it, but is looking for what standard applies until ordinance amendment in place. **Roach** ordinance doesn't address length of time. **Hayward** only thing mentioned is nine-month transient. **Roach** just notes that it's not a family. That means you can rent to a family, but not to a single person. Doesn't know how they can make decision, based on available information. **Rowlett** supposed to look at intent of people who wrote ordinance. How would they view short-term and long-term renters? **Gray** it's a double edge sword. If landlord rents to a family and they wreck property in less than nine months, does property have to remain vacant until time has expired? **Roach** seems like a week is still a commercial venture. Rental property leases usually indicate a minimum of one month. **Rowlett** the higher the rent district, the longer the lease.

**Rick Cooper, 2953 Kewaydin Trail, Traverse City, MI 49686.** Leases can be written for days or on a weekly basis. **Roach** in a residential family setting, not less than a month, unless it's a vacation property. **Gray** seasonal residents are grouped in with tourists. Lots of people who rent here are in that category. **Hayward** how many people that rent in your business rent year round or just temporarily? **Cooper** majority is year-round leases, but also have seasonal business and some that rent one or two weeks a year. Until there's a change in ordinance, he hesitates putting limitations on any kind of renting. Also disagrees with **Hayward** on definition of family as transient. **Roach** her rationale is based on personal rental experience. Less than one month is considered a vacation rental and not allowed in single-family residential area. **Beckett** does ordinance address commercial renting? **Hayward** B&B and Chateau. **Cooper** is someone who rents for nine months less of a commercial venture than someone who rents for one week? **Hayward** yes, probably 20 % are seasonal residents. Been a history of people moving back and forth seasonally. Problems that come up for short-term rental are different, i.e. parties, not being responsible to neighbors, etc. **Roach** recommends one month. **Rowlett** agrees. **Hayward** will deal with that and approach Planning Commission for clarifying language. **Dean** one month with suggestion to Town Board to amend ordinance to include

vacation property? **Roach** yes. **Dean** concerned about definition of family. **Beckett** do we have to give recommendation? **Roach** yes, that's what they're asking for.

**Motion Roach/Rowlett** to require that the minimum length of time that a dwelling can be rented and be in conformance with intent of ordinance is one month. Request that this issue go before Town Board and Planning Commission for vacation rental clarification. **Rowlett** yes. **Gray** no. **Beckett** no, unsure about intent of ordinance. **Dean** yes. **Roach** yes. **Passed 3-2.**

6. Approval of ZBA minutes of May 13, 1999; July 1, 1999; August 12, 1999; August 19, 1999:

**Motion Roach/Rowlett** to approve minutes of May 13, 1999. **Approved Unan.**

Regarding July 1, 1999 minutes, Hayward noted that these have not been completed at this time.

Regarding August 12, 1999 minutes, Hayward noted that minutes approved on page five were July 8, not June 8 as noted. June 10 and July 8 were approved at the August 12 meeting. **Cronander** also clarified her comments to read that she apologized to Whiteford if he was offended.

**Motion Beckett/Rowlett** to approve minutes of August 12, 1999 as corrected. **Approved Unan.**

**Motion Roach/Dean** to approve minutes of August 19, 1999. **Approved Unan.**  
**Hayward** noted that Kevwitch had indicated that an audience member who spoke was not included in the minutes; however, it is unclear who this might have been.

**Old Business:**

None.

**Motion Dean/Rowlett** to adjourn meeting at 10 p.m. **Approved Unan.**

These minutes stand to be approved: \_\_\_\_\_

Minutes submitted by Jane Louise Boursaw, recording clerk.

## MEMORANDUM

TO: Peninsula Township Board

FROM: Gordon L. Hayward, Township Planner

DATE: August 27, 2004

REGARDING: Short Term Rental Chronology

Newsletter Notice to Peninsula Township Home Owners regarding short term rental.  
(Copy attached)

September 14, 1999 Memorandum from Planner to the Planning Commission with proposal to amend the Zoning Ordinance. (Copy attached).

September 9, 1999 the Zoning Board of Appeals approved the following motion: "...to require that the minimum length of time that a dwelling can be rented and be in conformance with intent of ordinance is one month." (9/9/99 Minutes attached)

August 10, 1999 the Zoning Administrator ( Gordon L. Hayward) requested a determination of the Zoning Board of Appeals. "Clarification of the minimum length of time that a dwelling may be rented and be in conformance with the intent of the Ordinance". (Request attached)

Definition of family adopted as Amendment No. 61 (1) by the Township Board on 8/13/85. - Notice of Hearing attached.

Family: (1) An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or (2) a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

Planning Commission held a public hearing on July 15, 1985 and recommended approval unanimously. (Minutes attached)

Minutes of Planning Commission meeting of June 17, 1985 regarding Amendment No. 61: "Definition of family is that used by Michigan Township Assoc. in their model ordinance;" (Minutes attached)



NOTICE TO PENINSULA TOWNSHIP HOME OWNERS

The Township Zoning Board of Appeals has made a determination that the Single Family Dwelling use does NOT include renting for a shorter period than one month.

The Board of Appeals also recommended that the Planning Commission and Township Board consider amending the Zoning Ordinance to include clarifying language and to allow shorter rental periods with conditions that would reduce conflicts between short term rental uses and year around occupancy.

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**M E M O R A N D U M**

**TO:** Gordy Uecker, Zoning Administrator  
Peninsula Township

**VIA EMAIL**

**FROM:** Bryan E. Graham

*BE*

**DATE:** February 1, 2010

**SUBJECT:** Lighthouse Keepers and short-term rentals

Thank you for sending me the minutes of the ZBA's decisions concerning short-term rentals. These minutes reflect decisions made by the ZBA on September 9, 1999 and on September 11, 2008.

In your email message dated January 20 7, 2010 you not only requested that I address the opinion I rendered in my January 13, 2010 memo concerning the Lighthouse Keepers, but appear to have questions related to short-term rentals generally and the relationship between the prior ZBA decisions and Amendment 182 (the amendment that added subsection 6.2.2(2) concerning short-term rentals in the R-1A district and the other residential districts by reference), which apparently was enacted in 2009.

Let me first address the Lighthouse Keepers. In my January 13, 2010 memo I concluded that the zoning ordinance regulations applicable to the Agricultural District (A-1) did not authorize the proposed residential rental of the lighthouse. My conclusion was not based on any short-term rental regulations. Rather, my conclusion was based on the inapplicability of Section 8.6.1(4), since these regulations dealing with the Mission Point Lighthouse and Lighthouse Park did not authorize a residential use within the lighthouse, and on the definition of a single-family dwelling, since the lighthouse building would not be occupied **exclusively** by one family – the building has multiple uses.

I then concluded that the proposed residential use of the lighthouse would only be permitted if the residential use of the lighthouse was a lawful nonconforming use. I then indicated in my January 13, 2010 memo, "If this residential use of the lighthouse was **lawfully established** prior to Amendment 180, then this residential use of the lighthouse would be permitted to continue as a lawful nonconforming use." (Emphasis

added.) The significance of Amendment 180 is that this amendment limited the use of the lighthouse to a gift shop. However, as I indicated any residential use of the lighthouse prior to Amendment 180 must have been lawfully established. To be lawfully established the residential use of the lighthouse must meet one of the following: (1) it was established prior to any township zoning, (2) it was established prior to the current definition of a single-family dwelling (or a successor definition) which requires the detached building to be occupied exclusively by one family, or (3) the lighthouse itself was occupied exclusively by one family, thus meeting the definition a single-family dwelling. Factually, I am unable to determine whether the residential use of the lighthouse was lawfully established. This is a determination the township must make.

Let me now address the prior ZBA decisions and the current status of short-term rentals. You indicated in your email that the prior ZBA decisions were not district specific. A careful reading of the minutes in their entirety do not support this conclusion. The September 9, 1999 ZBA minutes provide:

Hayward explained the request. As indicated at last month's meeting, the definition of family is not a transient group. Uses in a **residential district** were limited to a single-family dwelling used by a family. Therefore, the intent of the ordinance is that rentals would not be allowed in **residential zones** without an amendment to zoning ordinance. Also, rental by day or week not intent of the ordinance. Needs limit on who can rent single family residences. An ordinance amendment is probably appropriate. (Emphasis added.)

The ZBA minutes indicate that the context of the request concerning short-term rentals was in the residential districts. As a result, the motion that was ultimately passed was based on this request applicable to residential districts.

The September 11, 2008 ZBA minutes also reflect that the request was related to the R-1A Rural and Hillside Residential district. The minutes provide:

Public Hearing on a request for interpretation of the Peninsula Township Zoning Ordinance regarding whether or not a "single family dwelling" in a **district zoned "R-1A Rural and Hillside Residential"** is regulated by the Ordinance as to the minimum length of time it may be rented. (Emphasis added.)

Consistent with these ZBA decisions, which both invited a zoning ordinance amendment, the township ultimately enacted such an amendment when it added Section 6.2.2(e) to the R-1A Rural and Hillside Residential district, and to the other residential districts by reference.

Under both of the ZBA's decisions and Amendment 182 a lawful rental of a single-family dwelling within a residential district must be for 30 days or more. Therefore, a

rental shorter than 30 days to be a lawful nonconforming use must have been established prior to the definition of a "family" that was the basis of the 1999 ZBA decision. A rental in a district other than a residential district can be any length, provided the district permits single-family dwellings and the use falls within the definition of a single-family dwelling.

Because the regulations concerning short-term rentals are confusing, at best, it is my recommendation that the township develop comprehensive short-term rental regulations, either through the zoning ordinance or through a licensing, nonzoning ordinance.

BEG

cc: Rob Manigold, Supervisor (via email)  
Monica A. Hoffman, Clerk (via email)  
Dan Leonard, Planner (via email)

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*Rec  
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James G. Young, *Of Counsel*

**M E M O R A N D U M**

**TO:** Christina Deeren, Zoning Administrator  
Peninsula Township **VIA EMAIL**

**FROM:** Bryan E. Graham *BEG*

**DATE:** June 7, 2017

**SUBJECT:** Supplemental memo concerning short term rentals in the A-1 zoning district

As a follow-up to my memo to Rob dated June 2, 2017, you have asked me to address whether short term rentals are permitted in the A-1 zoning district. As you know, Section 6.7.2 of the zoning ordinance specifies the uses permitted by right in the A-1 district. The primary residential uses in the A-1 district are one family dwellings under subsection (1), two family dwellings under subsection (2), and a tenant house under subsection (12). A tenant house is not applicable to short term rentals, since this subsection specifically limits that use to farm employee housing.

Section 6.7.3 of the zoning ordinance specifies the uses permitted by a special use permit in the A-1 district. Subsection (20) permits bed and breakfast establishments. This use, however, is also not applicable to short term rentals, because the zoning ordinance defines the term to state that the establishment is the residence of the owner while renting the rooms.

Therefore, the only possible uses authorized in the A-1 district in which a short term rental could occur are a one family dwelling or a two family dwelling. Both of these uses require the presence of a family. As I indicated in my June 2, 2017 memo, the term "family" is defined to require that the individuals utilizing the dwelling be domiciled in that dwelling. In other words, the dwelling must be the permanent home for those individuals. Clearly, in a short term rental situation the dwelling is not the permanent home for those individuals.

It is, therefore, my opinion that short term rentals are not permitted in the A-1 district, either by right or by special use permit.

I believe the confusion that may have occurred involves the language used by the ZBA and Amendment 182, which confirmed those rulings by adding subsection 6.2.2(2)(e) in the R-1A district.

The September 9, 1999 ZBA minutes provide:

Hayward explained the request. As indicated at last month's meeting, **the definition of family is not a transient group.** Uses in a residential district were limited to a single-family dwelling used **by a family.** Therefore, the intent of the ordinance is that rentals would not be allowed in residential zones without an amendment to zoning ordinance. Also, rental by day or week not intent of the ordinance. Needs limit on who can rent single family residences. An ordinance amendment is probably appropriate. (Emphasis added.)

Even though the prior ZBA rulings no doubt involved property in residential districts, including the R-1A district, the September 9, 1999 decision, reaffirmed by the ZBA on September 11, 2008, was based on the definition of "family" and that a family did not include "a transient group."

The ZBA's decision in 1999 is consistent with my opinion that short term rentals are not authorized under the zoning ordinance. While Amendment 182 could have placed the new provisions in a different location in the zoning ordinance, the language of the amendment clearly states the intention to establish a "minimum length of time that a **dwelling** may be rented." (Emphasis added.)

Because the 1999 ZBA decision involved the same definition of "family" that currently exists in the zoning ordinance, the ZBA's prior ruling applies in all zoning districts where uses rely on the term "family." It makes no sense that a one family dwelling means one thing in residential districts and means something different in the A-1 district. Such a difference in application of the use "one family dwelling" would likely be held invalid by a court as a violation of substantive due process.

Again, if the township desires to allow short term rentals, then an amendment to the zoning ordinance is necessary, or the township could enact a licensing ordinance.

If there are further questions concerning short term rentals, please let me know.

BEG

cc: Rob Manigold, Supervisor (via email)  
Brian VanDenBrand, Planner (via email)

## Becky Chown

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**From:** Marty Lagina <Marty@RockMI.com>  
**Sent:** Friday, March 21, 2025 2:21 PM  
**To:** Becky Chown  
**Cc:** Joseph M. Infante  
**Subject:** Fwd: Letter  
**Attachments:** Letter to Peninsula Township(43500838.1).pdf

Ms Chown : Please put this letter and the attached letter in the packet for the next meeting. I wrote to the entire planning commission 16 months ago asking them to take on the concept of short term rentals in the agricultural district in a proper manner with citizen involvement . I will re re send that letter again separately for inclusion in the packet. I was ignored. In fact I didn't even receive a response. I really don't want to resort to legal action, but the continuous disregard for citizens rights ultimately leaves the citizen with no choice. In my opinion, getting legal advice from your current counsel is completely pointless. They will say or do anything you want in my view - inexorably leading to lucrative ( for them) costly litigation. Why waste taxpayer money on legal fees?? The simple fact is that short term rentals are NOT currently banned in the ag district by the PTZO . Why is Peninsula township so afraid to get actual proper CITIZEN INPUT regarding this issue?? ? . All I'm asking is to have proper hearings. Let the public have input not your " attorneys"

Martin Lagina

---

Joseph M. Infante | Principal  
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March 21, 2025

Peninsula Township  
13235 Center Rd.  
Traverse City, MI 49686

RE: Resolution 2025-02-26 #1

Dear Sir or Madam:

I write on behalf of my clients, Marty Lagina and his various entities, in response to Resolution 2025-02-26 #1 which has been placed on the Town Board agenda for adoption on March 26, 2025. The resolution attempts to expand the prohibition on short term rentals which only exists in the residential zones to all zones within the Township without such change being passed by ordinance as required by the Michigan Zoning Enabling Act. The resolution itself cites as the basis for the prohibition on short term rentals only the portion of the Peninsula Township Zoning Ordinances ("PTZO") related to "Rural and Hillside Residential." 6.2.2(e). Even this prohibition is flawed given that the proper procedures were not followed. Any attempt to enforce a restriction on short term rentals in the agricultural or commercial zones has no basis in the PTZO. What is more, the resolution seeks to increase fines for daily violations up to \$5,000 per day which fines are obviously unconstitutional under the Eight Amendment to the United States Constitution in that it is "grossly disproportional to the gravity of a defendant's offense." *U.S. v. Bajakajian* (1998) 524 U.S. 321, 334. Please accept this letter as notice that if the Township passes Resolution 2025-02-26 #1 and attempts to enforce restrictions on short-term rentals on any property outside of the "Rural and Hillside Residential" my client will immediately seek judicial relief.

Sincerely,

Miller, Canfield, Paddock and Stone, P.L.C.

By: \_\_\_\_\_

Joseph M. Infante



## Becky Chown

---

**From:** Marty Lagina <Marty@RockMI.com>  
**Sent:** Friday, March 21, 2025 2:30 PM  
**To:** Becky Chown; Dave Sanger; Maura Sanders; jp.peninsulatrustee@gmail.com  
**Subject:** Fwd: Suggestions for Planning Commission.pdf  
**Attachments:** Suggestions for Planning Commission.pdf

As promised. Put this one in the packet too, please And is it too much to ask why this non adversarial request for actual citizen input was ignored ??

Begin forwarded message:

**From:** Marty Lagina <Marty@rockmi.com>  
**Date:** March 10, 2025 at 3:40:00 PM EDT  
**To:** rand.plancom@gmail.com, supervisor@peninsulatownship.com  
**Subject: FW: Suggestions for Planning Commission.pdf**

This was sent well over a year ago and was supposed to go to all members of the planning commission and did, (certainly) go to the then Planner/ZA

I thought it might be a good idea to send it again considering personnel changes, etc

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**From:** Marty Lagina  
**Sent:** Saturday, December 23, 2023 9:53 AM  
**To:** Peninsula Township Planning <[planner@peninsulatownship.com](mailto:planner@peninsulatownship.com)>  
**Subject:** Suggestions for Planning Commission.pdf

Ms. Cram:

Here are what I consider to be helpful suggestions for planning consideration

Could you please distribute this to all members of the planning commission?

Thank you

M Lagina

Sent from my iPhone

M A R T I N G . L A G I N A

232 W. McKinley Road  
Traverse City, Michigan 49686  
Telephone: (231) 935-4500 Facsimile: (231) 929-0242

Dear Planning Commission and the Planner:

I am writing to you for several reasons:

- 1) First of all, I would like to congratulate all of you on the recent methodologies being utilized by the planning commission. Specifically, I believe the whole issue of building heights is now being handled properly. My understanding is that there are going to be at least two separate public hearings; one by the planning commission and another by the Town board, before the amendment is enacted. Furthermore, the methodology of bringing together all members of the community, and specifically those most affected (builders) for meaningful discussion is the correct way to proceed. In my opinion, this sort of procedure should apply for any proposed changes to the zoning ordinance.

One specific item: there is currently a “sort of a glitch” in the zoning ordinance regarding building heights in the commercial district - specifically for a hotel. For reasons shrouded in history, that specific building height is limited to 28 feet. My understanding is that the changes being proposed regarding building heights would be applicable to all districts, including commercial. I hope my understanding is correct, and I urge you to ensure that the new building height amendment applies to all districts and all buildings.

- 2) Short term rentals in the Ag district.

Currently, my informed opinion is that the current zoning ordinance allows short term rentals in the Ag district, and I am personally conducting myself under this understanding. I am aware that certain members of staff have a different position on this. However, it is only by a sort of “backdoor” reference to an unrelated provision, (regarding the residential district) that a contorted interpretation against short term Ag rentals is possible. I respectfully urge you to handle this in a proper manner. Specifically, please address this issue in a straightforward, transparent and logical manner as set forth above regarding building heights.

Having lived in Peninsula Township for approximately 40 years, I have witnessed way too many “creative” interpretations of the ordinance by zoning administrators. (Please note that use of the word “creative” is generous on my part; “totally unsupported by the ordinance” would be more accurate.) I am hopeful that the changes I am observing will stop this practice.

By definition, lots in the Ag district are MUCH larger than those in the residential districts, and the expectations regarding uses, noise, etc. are much different. If there are genuine issues regarding short term rentals in the Ag district, please address those issues directly rather than knee-jerk banning of an activity that could very well help preserve agricultural land. Specifically, the planning commission could certainly come up with reasonable regulations and standards regarding this activity.

3) PUD in the commercial district.

Currently, the PUD section of the ordinance does not allow inclusion of the commercial district. I urge you to change this. The vast majority (albeit, a small amount) of commercially zoned acreage is at Mapleton. The topography there is challenging, and I note that the current master plan that is still in effect calls for a town center there. I am also aware that the proposed master plan no longer contains that concept. However, you are supposed to act on the master plan that exists ...until it doesn't. Regardless, it would be highly beneficial, and a much better use of land, to allow the commercial district to be included in a PUD. This could even help preserve surrounding agricultural lands. I can provide more data and actual examples of how this might work if you so desire. Another idea is to allow small, reasonably priced apartments in the C1 district which would also help meet the township goals consistent with either master plan. Please consider these things

That's it for now; again, congratulations on what I perceive as a proper change in procedures, to move forward with sound logic, transparency, and public input

I can make myself available to discuss any of this

Thank you.

Martin G. Lagina

**Corrected FY 2025–2026  
Calendar of Board, Commission,  
and Committee Meetings**

# PENINSULA TOWNSHIP FISCAL 2025-2026 REGULAR MEETING DATES

	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.
<b>Town Board</b>	8 <sup>th</sup>	13 <sup>th</sup>	10 <sup>th</sup>	8 <sup>th</sup>	12 <sup>th</sup>	9 <sup>th</sup>	14 <sup>th</sup>	12 <sup>th</sup> *	9 <sup>th</sup>	13 <sup>th</sup>	10 <sup>th</sup>	10 <sup>th</sup>
<b>Town Board - 2nd Meeting</b>	N/A	27 <sup>th</sup>	N/A	22 <sup>nd</sup>	N/A	23 <sup>rd</sup>	N/A	25 <sup>th</sup>	N/A	27 <sup>th</sup>	N/A	N/A
<b>Planning Commission</b>	1 <sup>st</sup>	6 <sup>th</sup>	3 <sup>rd</sup>	1 <sup>st</sup>	5 <sup>th</sup>	2 <sup>nd</sup>	7 <sup>th</sup>	4 <sup>th</sup>	2 <sup>nd</sup>	6 <sup>th</sup>	3 <sup>rd</sup>	3 <sup>rd</sup>
<b>Zoning Board of Appeals</b>	15 <sup>th</sup>	20 <sup>th</sup>	17 <sup>th</sup>	15 <sup>th</sup>	19 <sup>th</sup>	16 <sup>th</sup>	21 <sup>st</sup>	18 <sup>th</sup>	16 <sup>th</sup>	20 <sup>th</sup>	17 <sup>th</sup>	17 <sup>th</sup>
<b>Parks Committee</b>	21 <sup>st</sup>	28 <sup>th</sup>	23 <sup>rd</sup>	23 <sup>rd</sup>	25 <sup>th</sup>	24 <sup>th</sup>	20 <sup>th</sup>	19 <sup>th</sup> *	15 <sup>th</sup> *	28 <sup>th</sup>	23 <sup>rd</sup>	25 <sup>th</sup>
<b>Ag. Advisory Committee</b>	15 <sup>th</sup>	20 <sup>th</sup>	17 <sup>th</sup>	N/A	19 <sup>th</sup>	16 <sup>th</sup>	N/A	18 <sup>th</sup>	16 <sup>th</sup>	20 <sup>th</sup>	17 <sup>th</sup>	17 <sup>th</sup>
<b>P.D.R. Selection Committee</b>	N/A	15 <sup>th</sup>	26 <sup>th</sup>	N/A	7 <sup>th</sup>	18 <sup>th</sup>	30 <sup>th</sup>	N/A	11 <sup>th</sup>	22 <sup>nd</sup>	N/A	5 <sup>th</sup>

*Township Board, P.C. & Z.B.A meetings are held at the township hall at 7:00 p.m. unless otherwise posted.*

*Township Board 2nd meetings are held at the township hall at 3:00 p.m. unless otherwise posted*

*Parks Committee meetings are held at the township hall alternating on Mondays at 3:00 p.m. one month and Wednesdays at 7:00 p.m. the next month unless otherwise posted.*

*Agricultural Advisory Committee meetings are held at the township hall at 2:00 p.m. unless otherwise posted.*

*P.D.R. Selcetion Committee meetings are held at the township hall at 4:30 p.m. unless otherwise posted.*

*Note: all meeting dates are tentative.*

*\*Meeting changed from originally scheduled date.*



**Becky Chown, Clerk**

**Adopted: March 26, 2025**

**Posted: March 26, 2025**

**Corrected Resolution  
2025-03-26 #13**

**Resolution 2025-03-26 #13**

Present: \_\_\_\_\_

Absent: \_\_\_\_\_

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, to approve Resolution 2025-03-26 #13 authorizing the township clerk to receive a 5% cost of living adjustment to:

**\$71,648 annually**

(Total reflects the clerk's additional compensation for permanent increase in statutory duties related to elections that began in 2022)

Upon a roll call vote, the following voted:

Aye: \_\_\_\_\_

Nay: \_\_\_\_\_

The chairman declared the resolution adopted.

\_\_\_\_\_

Becky Chown,  
Peninsula Township Clerk

March 26, 2025