

April 18, 2022
Planning Commission
Packet Addition

- **Public Comments**

Jenn Cram

From: Lou Schmidt Jr. <loujr@schmidtholdings.org>
Sent: Sunday, April 17, 2022 6:15 PM
To: clerk@peninsulatownship.com; planner@peninsulatownship.com;
shipman.parks@gmail.com; rand.plancom@gmail.com; lwdloski@gmail.com;
acouture@need-lawyer.com; jualexanptpc@gmail.com; dsh_44@yahoo.com; wunschis23@gmail.com
Cc: Melissa McBrien
Subject: Short-term Rental Ordinance Discussion

Dear Ms. Chown, Ms. Cram and the members of the Planning Commission of Peninsula Township,

I understand that you will be discussing the short-term rental ordinance (Section 6.24) of the Zoning Ordinance Re-Write in your upcoming meeting this Monday, April 18. I am unable to make it to the in-person meeting but wanted to email my support of the proposed changes indicating that short-term rentals will not be allowed in dwellings regardless of their zoning type, unless they meet criteria and are given permission to operate as a bed and breakfast.

My wife, Mary, and I have been living in our home at 17133 Old Woods Rd (formerly 2379 Eimen Rd) for over 15 years now and have enjoyed our own quiet, secluded area of Old Mission Peninsula since. For the most part, our neighbors have all said the same thing. The one exception is Wendy O'Brien who owns a home and a separate waterfront lot on what is now Old Woods Road/Wendy Lane. Somehow, she was able to have the Peninsula Assessor zone the waterfront lot as agricultural and is able to rent her home at \$900/night on a short-term basis (one week or less) because of this designation. It is clearly an Airbnb, but in order to get around the Townships zoning ordinance regarding short term rentals, she relies on the "agricultural" designation. For over 5 years now, all the neighbors have been subject to a constant stream of short-term renters all summer - many of whom have loud parties into the

night, disregarding the privacy of the other 5 homeowners. Our neighbors, Ray and Melissa Landis have experienced this more than any other homeowner as their home is adjacent to Wendy O'Briens lake front property. Make no mistake, though, all five homeowners on Old Woods Road have been subject to the loud inconsiderate guests using the house and beach. I believe this latent and obvious abuse of the Township Zoning ordinance regarding short-term rentals is both unlawful and unfair to the other residents.

This clearly interferes with our right to peacefully enjoy our property and privacy. The Landis's also bring up a good point in that all other homeowners pay full property taxes as residential owners of a second home, while Ms. O'Brien enjoys the reduced taxes of an agricultural property owner, while extending B&B privileges to include beach access to all renters using this property. She enriches herself while taking advantage of a zoning ordinance that clearly doesn't apply to this situation.

Mary and I strongly support the ordinance re-write in favor of restricting short term rentals regardless of how the property is zoned. These rentals should adhere to the Township ordinance regarding short-term rentals and require certification from the Peninsula to operate - like every other homeowner on Old Mission Peninsula.

Please feel free to contact me at my phone number below should you have any questions.

Sincerely,

Lou and Mary Schmidt
17133 Old Woods Rd (Formerly 2379 Eimen Rd)
Email loujr@schmidtholdings.org
Cell (248) 770-3952

Jenn Cram

From: Gabriel Couch <gabriel@oldmissionnetworks.com>
Sent: Sunday, April 17, 2022 12:46 AM
To: planner@peninsulatownship.com; shipman.parks@gmail.com;
rand.plancom@gmail.com; lwdloski@gmail.com; acouture@need-lawyer.com;
jualexanptpc@gmail.com; sh_44@yahoo.com; Wunschis23@gmail.com
Subject: Comments re proposed changes to draft section 6.24

Greetings Ms. Chown, Ms. Cram, and members of the Planning Commission of Peninsula Township,

I am writing to express my support of the proposed removal of the "Except in the A-1 Zoning District" language from section 6.24 of the draft ordinance and ask that additional language be considered to explicitly deny potential claims for rentals to have been "grandfathered" by being in operation prior to the acceptance of the draft.

This section is particularly important for my family and me. In our situation, a neighbor of ours operates a Non-Owner Occupied Short-Term Rental (NOO-STR) in their A-1 zoned property. They do not live on this property and spend most of their time out of state. I have recorded many times last summer where their renters trespassed across our property and used our private road which they are not beholden to maintain. Multiple times even parking and leaving their vehicles on our lot. My family should not have to pay the price of what is essentially an unregulated commercial lodging operation next door. Like any father, I want to ensure the safety of my children. Having a NOO-STR next door makes this challenging and requires a great deal of surveillance and active monitoring of our grounds during tourist season as having different strangers, each week, from across the midwest, and often with their off-leash dogs, walking through our property threatens the safety of my family. As a disabled veteran who is still working to overcome the impact that combat-related PTSD has on my life, this required hyper-vigilance for constant trespass does not permit me to peaceful enjoyment of my property during tourist season. And another nuisance is the trash left behind by those with no stake in maintaining their rented property. The community they benefit from is left to clean up after them to prevent plastics and other trash from polluting Lake Michigan.

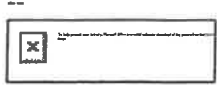
In this scenario, the mentioned neighbor even went so far as to somehow have an R1-A zoned lot re-zoned to A-1 for the purpose of circumventing the existing ordinance. This re-zoned lot is surrounded by residential lots on all sides. If A-1 zoning is exempt, and this neighbor can re-zone a residential lot as an agricultural lot, then use go on to it as a commercial lot, in the midst of other residential lots, I'm left wondering what would stop anyone who is wanting to operate a NOO-STR with any zoning type property from arbitrarily re-zoning their land to take advantage of the zoning language.

In general, I am opposed to NOO-STRs because in my opinion they:

- Take up available housing stock, which Grand Traverse County is already lacking
- Increase property and rental prices, pricing younger families out of the community
- Rarely follow fire and safety codes that commercial lodging must adhere to
- Leech resources from the local tax-payers and workforce when allowed to exist in an unregulated form
- Can substantially alter the character of the neighborhoods they operate in
- Directly impact the lives of community members in proximity who rightfully expect the use of a property to be in character with its zoning

I believe that without proper regulation, NOO-STRs are damaging to the neighborhoods that serve them, not so dissimilar from how a parasite is damaging to its host. I urge the Township to eliminate NOO-STRs and to protect our community by enforcing their related zoning ordinances effectively.

Sincerely,



Gabriel Couch, CISSP
Old Mission Networks

e: gabriel@oldmissionnetworks.com

w: www.oldmissionnetworks.com

m: (734)800-9292



Jenn Cram

From: Melissa McBrien <melissa.mcbrien@gmail.com>
Sent: Saturday, April 16, 2022 1:32 PM
To: planner@peninsulatownship.com; shipman.parks@gmail.com;
rand.plancom@gmail.com; lwdloski@gmail.com; acouture@need-lawyer.com;
jualexanptpc@gmail.com; sh_44@yahoo.com; Wunschis23@gmail.com
Cc: Gabriel Couch; Rebecca Couch; Ray Landes; Harry & Elaine Kalajian; Jim Kalajian; Kathryn Kalajian; Karen Stuehrk; Johanna Craig; Lou Schmidt Jr.; Philip Rosi
Subject: Short term rental ordinance

Dear Ms. Chown, Ms. Cram and the members of the
Planning Commission of Peninsula Township,

I understand that you will be discussing the short term rental ordinance (Section 6.24) of the Zoning Ordinance Re-Write in your upcoming meeting this Monday, April 18. I am writing to support the proposed changes to indicate that short term rentals will not be allowed in dwellings regardless of their zoning type, unless they meet criteria and are given permission to operate as a bed and breakfast.

When my husband, Raymond Landes, and I purchased our home on the Peninsula in 2009, we understood that we were in a residential area. We and our neighbors love this area for its privacy and tranquility.

Unfortunately, an adjacent farm, as well as the waterfront lot next to ours was purchased by Wendy O'Brien, who somehow convinced the Peninsula Assessor to zone the waterfront lot as agricultural. She claims that she has the right to rent these properties as a short term rental since they are zoned agricultural. Since 2016, we have been subject to a never ending stream of short term renters all summer. They wander onto our property, have parties on the beach, and leave beach fires and bonfires unattended. We have had outdoor furniture go missing. They bring dogs who run onto our property and threaten us, our family members, and our own dogs.

This clearly interferes with our right to peacefully enjoy our property and privacy. To add insult to injury, we pay full property taxes as residential owners of a second home, while Ms. O'Brien enjoys the reduced taxes of an agricultural property owner while using this property as a **commercial** enterprise. She rents this property for \$900 dollars a night during the summer.

We strongly support the ordinance re-write in favor of restricting short term rentals regardless of how the property is zoned. These rentals should adhere to the rules of B and B's and require certification from the Peninsula to operate.

Please feel free to contact me at my phone number below should you have any questions. I would be happy to attend the meeting by phone, Zoom or other internet platform.

Best regards, ,

Melissa McBrien

Melissa McBrien, MD, MSSE
Chief, Section of Otolaryngology
Chair, Multidisciplinary Quality Assurance and Peer Review
Associate Professor of Surgery, OUWB School of Medicine
Beaumont Royal Oak
(248) 229-6197

Jenn Cram

From: louis santucci <santucci.louis@gmail.com>
Sent: Thursday, April 14, 2022 2:42 PM
To: Michelle Reardon; Susan Piehl
Subject: Monday Planning Commission Meeting

Susan Will you please forward a copy of this to each board member and each Planning Committee member.

To Members of the Planning Commission and the Town Board:

I am quite dismayed that the town board has decided ,contrary to its prior commitments to the township citizens to forward a request to the planning commission that it amend the section of the ordinance dealing with short term rentals. and that it do so immediately with just three days notice of such action at the planning commission level.

As you recall the board made a commitment to try to fix aspects of the ordinance that were contradictory or covered by different section in different parts of the ordinance. In addition, Rob publicly stated that the major issues would be dealt with later in the spring or summer when all interested parties would be back in town.

Now all of a sudden the town has gone back on its word and now is trying to rush through changes to the ordinance with no real time to have open full and meaningful participation by interested parties. Is this purposeful so that you liit our input? Surely a three day notice of a public meeting is not what I would call in the spirit of open government. Do you think it is?

If not then I believe that this should be tabled until the next planning meeting in May. so that I and others can make our views known in person To do otherwise does a disservice to the idea of transparent government. What's the big hurry anyway.

Sincerely,

Louis Santucci

4-13-2022

from:

Curt Peterson

1356 Buchan Dr.

Traverse City, Mi. 49686

Re: Comment for addition to Planning Commission public hearing on zoning ordinance rewrite for Monday 18th, 2022

Hi Planning Commission members and Township Planner.

This note is in reference to changing the draft to exempt A1 Ag district from allowing short term rentals. An earlier draft (Nov. 2021) would allow STR in Ag1 in comparison to the proposed draft dated 4-18-2022 which would disallow short term rental in all zones. When brought to the attention to our then Township Planner, Randy Meilnik, that the existing ordinance only disallows short term rental in R1A (section 6.2.2e of existing ordinance) , and after his analysis listed below, it was changed to the existing draft wording that, except for A1 zoning district, short term rentals are not allowed. This draft was approved by the Planning Commission and sent on the the Twp Board for approval. And this is the way it should remain. Further changing the wording to the Monday 18th April, 2022 suggested draft changes would go against making substantive changes (the stated goal of the Planning Commission) in the existing ordinance and be against Randy Meilnik's analysis.

From our planner Randy Meilnik on removing out the controversial language in the draft

March 11th, 2021 (email from Randy Meilnik)

“Curt –

I wanted to circle back to you about your prior comments about the regulation of short term rentals. As part of our due diligence, I further researched the point you have made before at meetings and in messages about the view that the restriction on short-term rentals only applies to the R-1A district. I find that is not the case.

It is true that 6.2.2(2) (e) only appears in the R-1A district now. However, as can be the case with zoning districts, groups of districts (such as residential) are often cumulative to the extent that requirements in each district can relate to each other. In the R-1B district, Section 6.3.2 says “All uses permitted by "Right", "Under Special Conditions" or by "Special Use Permit" in the R-1A District, subject to all restrictions specified therefor.” Similarly, Section 6.4.2 (R-1C) says “All uses permitted by "Right", "Under Special Conditions" or by "Special Use Permit" in the R-1A and R-1B Districts, subject to all restrictions specified therefor, and R-1D also contains the same provision.

The updated draft of the zoning ordinance addresses the issue of short-term rentals as indicated above. We believe this is consistent with the language of the existing ordinance. As you know, the township plans to come back to this issue at a later time (hopefully soon after the state concludes its efforts to adopt state-wide legislation regarding how local governments can address this).

In the meantime, we are aiming toward a zoning update document this is as neutral as possible with regard to changes in content.

Randy A. Mielnik, AICP
Director of Planning
Peninsula Township
13235 Center Road"

end of email

Since in Ag 1 zoning there is no reference to R1A, R1B, R1C, or R1D with respect to limitations and restrictions, his revised draft allowed STR in AG zone. Clearly Randy's completed analysis of the existing ordinance concluded that STR is allowed in Ag1 zoning district. Further one can argue that the "subject to all restrictions specified therefor" actually means the restrictions in the " Special Conditions" or by "Special Use Permit" sections and not the 30 day short term rental rule of R1A. Please go back to the Nov 2021 wording regarding STR and do not make substantive changes to the document as was promised by the Planning Commission and Township board.

I would like to offer my help now to work on a joint citizen, Township committee to work on short term rental ordinances that insure we protect our citizens from nuisance, environmental damage, and negative safety concerns.
Regards, Curt Peterson
