

CASCO TOWNSHIP
Zoning Administrator/Building Official
7104 107th Avenue
South Haven, Michigan 49090
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NOTICE

6 December 2016

To: Owners of Short-Term Rental Dwellings in Casco Township

The Township has received numerous complaints regarding the short-term rental of your property. This letter is intended to provide some context to the short-term rental matter in the Township as well as to advise you regarding how the matter may affect you in the near future.

Recently there has been a conflict between homeowners who wish to rent their homes on a short-term basis and homeowners who wish to prohibit such rentals. As you may or may not be aware there was a lawsuit between members of these two groups in the Township's Sunset Shores Subdivision (the "Subdivision"). In this case, it was argued that short-term rental use of the property is "commercial," which was therefore an illegal use, as "commercial" uses were not permitted in the Subdivision covenants. The court agreed with this argument, and Judge Cronin opined that the defendants may also be in violation of the Casco Township Zoning Ordinance (the "ZO") as well, since the ZO does not list "commercial" uses as permitted in residential districts. Judge Cronin ordered that the rentals be permitted to continue operation only until Labor Day of this year, 2016, at which point the commercial use of short-term rentals was to cease and desist. As a result of this case, and other similar Michigan cases, homeowners who operate short-term rentals in residential districts in the Township are putting themselves at risk of a lawsuit from a neighbor. If the Township continues to permit uses which are not authorized by its ZO, it too could be subject to a claim regarding improper enforcement of the ZO, or alternatively it could at least raise questions regarding the validity of its ZO.

Therefore, in an effort to appease both sides of this debate, the Township is considering adopting either a ZO Amendment or a regulatory "Short-Term Rental Regulations Ordinance," which would allow short-term rentals as well as regulate them to provide protection to neighboring homeowners. The Township's intention is to mitigate the conflict and try to create some harmony within the Township regarding this matter. In doing so, it is joining its neighboring municipalities that have already taken similar action, such as the cities of Saugatuck and Douglas, Saugatuck Township, and most recently, the City of South Haven.

After some preliminary discussions with the general public, it appears the Township Board is leaning toward adopting a regulatory ordinance with some minor adjustments to the ZO to create compatibility. In similar ordinances, other municipalities have required the following major items.

1. A formal application from the owner of each proposed rental property.
2. A maximum occupancy limit based upon the number of bedrooms or other criteria.
3. Compliance with all other applicable local, state, or federal laws and regulations regarding noise, parking, control of animals, garbage, fireworks, and other matters.
4. A designated agent who resides within a reasonable distance from the rental property and who can be available within a short period of time to address any issues with the rental property.
5. Inspections prior to approval of registration.
6. Violations and fines for noncompliance.

Among Airbnb, VRBO, and HomeAway there are approximately 155 listings for vacation rentals in the Township, most of which are on or very near Lake Michigan. As the Township considers this matter, and as rentals remain arguably an illegal use of property in residential districts, we suggest that you cease any further short-term rentals of your property until the Township Board decides how to proceed.

If you have any questions, please contact me at the Township Hall (269/637-4441), my cell phone (269/214-2382), or email skwirely@frontier.com.

Alfred J. Ellingsen

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Zoning Administrator

Casco 110 Rental Complaints Response Letter to Owners RAB 12062016