

SHORT TERM RENTALS - TOWNSHIP RULES & REGULATIONS

To make sure that all residents and property owners are well informed about the Township's short-term rental "rules," here is an explanation concerning them.

Short-term rentals are those of less than thirty (30) days. Rentals of thirty (30) days or longer are considered to be residential use, therefore are not subject to short-term rental rules.

Here is a chronology of rulings that govern the short-term rentals in Torch Lake Township:

September 10, 2003:

The Township Zoning Board of Appeals, in response to a citizen's request, determined that weekly rentals in the village zone were a commercial activity and would be legal only if the renting property owner had obtained a Special Use Permit.

February 17, 2004:

The Antrim County Circuit Court upheld the above ZBA decision (Klunzinger v. Torch Lake Township).

April 13, 2005:

The ZBA further defined "weekly" rentals to be illegal in the R-1 (single family), R-2 (two family) and R-3 (multiple family) residential zones in the Township.

July 13, 2005:

The ZBA further clarified "weekly" (short term) rentals to be any rental period of less than thirty (30) days. Property owners who can document their involvement in short term rental activity that predates the existence of the Township's Zoning Ordinance, August 9, 1983, are "grandfathered," thus, are permitted to engage in short term rentals. Others are not permitted to do so.

PUBLIC OPINION SURVEY RESULTS:

In 2006, the Planning Commission surveyed all Torch Lake Township property owners and residents concerning their thoughts about short term rentals. Here is a summary of the results of that survey:

First of all, a description of the survey mailings:

- 1074 surveys were mailed out, one to each household in the Township.
- Five (5) surveys were returned as undeliverable.

- 571 (53%) of the surveys were completed, returned and compiled.

Next, results of the compilation of responses:

- 41 (7.2%) of the respondents said they sometimes rent.
- 100 (17.5%) don't rent currently, but might some day.
- 437(76.5%) are not involved in any rental activity.
- 32 (5.6%) want to be able to rent short term with no restrictions.
- 113 (19.7%) feel that short-term rentals should be permitted, but with restrictions.
- 398 (69.7%) prefer to see no change in current Township regulations, those explained above.

Essentially, seventy percent (70%) of the Township residents and property owners who responded to this survey indicated that they "prefer to see no change in current Township regulations" concerning short term rentals in R-1, R-2 and R-3 zones.

Please be informed that the Township's Zoning Administrator will be enforcing the rulings of the Township's Zoning Board of Appeals and Antrim County Circuit Court referenced above. Everyone's understanding and cooperation regarding short term rentals will avoid the necessity of enforcement actions on the part of Township personnel.

Enforcement action consists of issuing a Notice of Civil Infraction (ticket) to the property owner, which is then enforced through District Court in Bellaire.

Thank you.