

**MINUTES OF THE AUGUST 20, 2025 MEETING OF THE
MILLINGTON TOWNSHIP ZONING BOARD OF APPEALS**

The meeting was called to order by Robert Benard at 6:04 PM

Roll call: Present were members Robert Benard, Nathan Ptaszenski, Kassie Burns, and Carol Kager. Absent was Matt Opperman. Alternate member Emory Close was seated in the audience. Alternate member George Moore was absent and excused.

The Pledge of Allegiance was recited

Approval of Agenda: A motion was made by Kager, supported by Burns, to approve the agenda as presented. A voice vote was taken and the motion was approved unanimously.

Approval of the June 18, 2025 Zoning Board of Appeals meeting: A motion was made by Burns, supported by Kager, to approve the minutes. A roll call vote was taken: Burns: Aye, Kager: Aye, Ptaszenski: Aye, Benard: Aye. The motion carried.

The Millington Township Policy for Public Comments was identified. Benard noted the 3 minute time limit for Public Comment.

Public Comments:

Steve Ley: Enumerated numerous failures of the Planning Commission in the decision making process granting a Special Land Use Permit to the Dudleys. (Copy of statement attached)

Nick Aquino: The Dudley Short Term Rental property adjoining his [Aquino's] property violates Township Ordinances with buildings and parking spaces that are on or over their property lines; Dudley septic is only 33 inches from the Aquino/Dudley property line; renters' children and dogs are frequently running over the Aquino property.

Paul Dudley: Stated that the parking issue would be resolved. Commented that children and dogs crossing property lines are "just the way it is in summertime."

Unfinished
Business: None

New Business: None

Noticed Public Hearing to consider an appeal of the Planning Commission's June 9, 2025 approval of a short-term rental application for 017-001-230-2800-01, 3124 Huston Drive, Millington, Michigan

A motion to close the Public Meeting and move to the Public Hearing was made by Ptaszenski, supported by Burns. A roll call vote was taken: Ptaszenski: Aye, Burns: Aye, Kager; Aye, Benard: Aye.

The Public Hearing commenced at 6:19 PM

Conflict of Interest Allegation: Kager acknowledged that there could be a perception of a conflict of interest due to her remarks in opposition to short-term rentals at various Township meetings, but stated that this was an administrative appeal and opinions and/or feelings had nothing to do with this appeal.

Public Comments:

Ruthann Davenport: Read a letter from Pam Hall enumerating her concerns: current homeowners/cottage owners are being forced to make accommodations regarding their peace in favor of financial gain for SLUP owners; there are other

violations; the severity of what is being permitted, as we have no police protection; the private roads do not allow for heavier traffic loads. (Letter attached for the record)

Emory Close: Per the SLUP, the property owner is responsible to provide ample off-road parking. The Zoning Administrator's report (attached for the record) shows that the Dudley property lines are not where Dudley says they are. This is a clear violation.

Nick Aquino: Cited a University of Oregon study of the impact of short-term rentals on neighborhoods. (Attached as part of the record, as part of his presentation on behalf of the appellants)

Diane Wood: Cited changes in the neighborhood as a result of short-term rentals-safety concerns; an increase of garbage/litter; complaints of dogs barking at renters/"strangers".

Ed Maschke: Wants to know what this appeal is about; he's on the Planning Commission, and he doesn't know. Focus on the appeal and not all these other accusations that have nothing to do with what will happen tonight. Please state publicly what the appeal is about.

Paul Dudley: This isn't the forum for "this happened/that happened". Hopes the meeting is focused on what he read in the appeal-that it's whether the ordinance amendment is legal or not. If that's the case, the Planning Commission made the decision and voted unanimously; so did the Township. That being the case, the ordinance is there. Cited the process of approval of the ordinance; it would be difficult to overturn the ordinance approval.

Steve Ley: The integrity of the Planning Commission is what's in question; cited Planning Commission violations of the Michigan Open Meetings Act, as well as specific violations of the Millington Township Ordinances in the Planning Commission's approval of the Dudley SLUP. (Copy attached for the record)

John Booko: Talks about dogs around the lake. When an unfamiliar animal appears on scene, the dogs go berserk. His point is that he'd like none of this to have happened-that we don't have short-term rentals and we don't have angst with all the strangers here.

Dan Davenport: Asks how this permit got issued in the first place; where the Zoning Administrator has enforcement action to correct something that was falsified-maybe intentionally/maybe not-of information supplied and that's how the permit got approved. It's the ZBA's responsibility to straighten this out.

Letters from the following citizens, Murphy Lake Residents, were read aloud: Keegan Fredrick, Ian Bible, Daniel Bible, Tamara Ley, Tricia Orr, Kelly Aquino, Patrick Fredrick, Stephanie Bible, Kelly Marcus, Andrew Orr, and Nicky Aquino (age 9). These letters all cited their opposition to short-term rentals and some of the difficulties resulting from their presence in the Lake Residential District. (Letters attached for the record)

Presentation by Petitioner or Representative: Nick Aquino

Mr. Aquino sets up the equipment for a Power Point Presentation; the Power Point presentation is attached for the record.

Aquino summarizes the guidelines for ZBA action. He will speak to property lines, set-backs, and roads; cites various contentious interactions with the owners of the short-term rental next to his home, and the stress and anxiety that has resulted. He discussed the less than 10' set-backs on each side of the Dudley property; the Dudley septic system is located 33" from the Aquino property line; the Dudley shed encroaches on the neighbor's property. Aquino's Power Point shows the Tuscola County GIS of the Dudley property, which shows that 2 of his [Dudley's] parking spaces outside of the garage are not on his property, nor are the 2 parking spaces on the "parking pad", which leaves only two parking spaces-inside the garage. The garage itself is not on his property. The spaces said to be across the road are actually on someone else's property.

Aquino discusses the suggestion of a fence down the property line to keep children or animals from crossing the property line, as well as to provide privacy. Fences over 3' in height are not allowed on waterfront property, per Township Ordinance, yet it was recommended. Nor would a 3' fence provide privacy. How could Dudley trim both sides of a fence without encroaching on Aquino property?

Aquino also addresses the issue of a possible "potential conflict of interest" on the part of Mr. Maschke as a Planning Commission member that has made these decisions as an owner of a large piece of property in the Lake District which could be split.

Aquino ends his comments with examples of the Planning Commission's mishandling of the Dudley Special Land Use Permit approval procedure, and violations of the Open Meetings Act by discussing the Dudley SLUP for nearly 13 minutes before the Planning Commission meeting was called to order.

A motion to recess was made by Ptaszenski, supported by Burns. A voice vote was taken and unanimously approved; motion carried.

A motion to resume the meeting was made by Benard, supported by Burns. A voice vote was taken and unanimously approved; motion carried.

Presentation by Property Owner: Paul Dudley

Mr. Dudley understands that Mr. Aquino has strong opinions about short-term rentals. The Dudleys screen all tenants; they have good ratings and reviews, so he wants to get past the idea that it's all crazy misfits. People are there to have a fun vacation.

Dudley claims that the Tuscola GIS is not accurate; that he has parking; there's no way the parking is on the road. There was confusion as to the ownership of the property across the road.

Dudley presents photos for the record of his home and the various parking sites in question. (Photos attached for the record)

Presentation by Zoning Administrator: Tammy Daenzer

Ms. Daenzer references set-backs required by Ordinance 12.02. The Dudley site plan shows less than is required (at least 3' on side lot line, with a minimum of a total of 10' both sides of lot lines combined).

It is recommended that the Planning Commission require the applicant to submit a revised site plan showing all legal on-site parking areas entirely within property lines.

Notes that the permit requires that animals must be kept inside, except while on a leash and under the control or supervision of an adult. Pets must not be allowed to encroach on other properties.

ZBA Discussion and Action

Kager: clarifies that the appeal is an administrative appeal, strictly based on whether the Planning Commission followed the ordinances in granting the Dudley permit; believes much of what we've heard, while meaningful, really does not affect our decision.

Benard: This hearing is not about complaints, which are handled by the Zoning Administrator; it's certainly not about our opinion because what we do is about the ordinance. We're here about the procedure and adherence to the ordinance and

this is in reference to the June 9 [2025] decision and the record associated, which is substantial—road right of way, property lines, and set-backs; the Zoning Administrator’s report indicating there is a parking issue. The site plan should have been reviewed by the Zoning Administrator. Parking needs to be on site. We need to know how their [the Planning Commission’s] decision was made. The process began on June 6, 2024.

Kager: On October 14, 2024, the Planning Commission reviewed the SLUP application and found it fulfilled Sections 18.01, 18.02, 18.03, and 18.04 of the ordinance, which are specific to standards of approval for a SLUP, but not relevant to conditions of parking or set-backs.

Benard: Back to the revised site plan and review of parking. The permit was modified at the 10/14/24 Planning Commission meeting. The modification procedure did not meet the requirements of 18.01 because it didn’t start with an approved application. The ordinance requirement of an approved application was affirmed by the Millington Township Board on April 21, 2025 and was indicated in the minutes of the 6/9/25 Planning Commission meeting prior to the Dudley SLUP decision.

At the 4/21/25 Township Board meeting, Township Board Trustee Luann Jaruzel, the Board’s representative on the Planning Commission, was directed to direct the Planning Commission to require written requests for a change in a Special Land Use Permit with a proof of need and justification to be spelled out, as recommended by the Township attorney. The Planning Commission meeting minutes of 6/9/25 reflect that this was done. After hearing the presentation of this directive, the Planning Commission modified the Special Land Use Permit without the evidence of need or justification.

Benard: reviewed numerous violations that have been discussed tonight: The application indicates a sketch of the property, but lacks the required components of building size and total square footage of buildings; did not include compliance with set-back and height requirements; did not include set-backs of any structure; it was not drawn to scale; did not show proposed buildings, driveways, points of egress or parking areas.

Kager: One option we would have is to affirm the decision with modifications.

Ptaszenski: Correct. The options are to affirm, to affirm with modification, or to reverse. We can impose the same conditions that the Planning Commission should have imposed.

Benard: We can do that, but the record still doesn’t show the required site plan. The record is still deficient. The process for modification or going through the whole process again is the same. The ordinance and state law declares how a SLUP needs to be done. Based on that, I do not see an option other than to reverse the the Panning Commission’s approval.

A motion was made by Benard, supported by Kager, to reverse the Short Term Rental Special Land Use Permit for 3124 Huston Drive, due to:

1. The Planning Commission not adhering to Section 18.01 of the Township Ordinance which requires the Special Land Use Permit process to start with an application for the March 6, 2025 Public Hearing
2. The Planning Commission not adhering to MCL125.3205, which indicates that Special Land Uses must include supporting materials and procedures for application, review and approval of a special land use.
3. The Planning Commission not adhering to MCL 125.3502(4) by not including the basis for the decision.
4. The Public Hearing Notice did not state the actual intent of the required Public Hearing, which included modifying the permit for a fence requirement and the number of permitted guests.
5. The permit not accurately reflecting the record, due to inaccurate dates.
6. The original permit application, dated June 4 2024, not meeting the requirements of 18.01, which requires a scale drawing with related set-backs.

A roll call vote was taken: Ptaszenski: Aye, Kager: Aye, Burns: Nay, Benard: Aye. The motion carried.

A motion was made by Benard and supported by Burns to close the Public Hearing and return to the public Meeting. A roll call vote was taken: Ptaszenski: Aye, Kager: Aye, Burns: Aye, Benard: Aye. The motion carried.

The Public Meeting resumed at 9:20 PM

ZBA Member Comments

The Zoning Administrator reminded the ZBA that the Michigan Township Association is holding a two day training session for Township Planning Commission members and Zoning Board of Appeals members at the Bavarian Inn in Frankenmuth on October 29th and 30th. Attendance at the Training Session has been approved by the Township.

The next regular meeting of the Zoning Board of Appeals will be on September 10, 2025.

Adjournment

A motion was made by Benard, supported by Burns, to adjourn the meeting. A roll call vote was taken; Ptaszenski: Aye, Kager: Aye, Burns: Aye, Benard: Aye. The motion carried.

The meeting was adjourned at 9:25 PM.

A handwritten signature in cursive script that reads "Carol Kager". The signature is written in black ink and is positioned to the left of the typed name and title.

Submitted by: Carol Kager

Secretary, Millington Township Zoning Board of Appeals