

**Au Train Township, Planning Commission
Special Meeting**

Wednesday, March 19, 2025 – 6:00 pm
Au Train Township Hall - N7569 Spruce St – Au Train, MI 49806

MINUTES

- **CALL TO ORDER** - The meeting was called to order by Chair Cain at 6:00 pm, followed by the Pledge of Allegiance.
- **ROLL CALL** – Members present: Chair Jason Cain, Vice Chair Scott LaCombe, Secretary Scott Smith, Member Matt Lang, Township Board Liaison John Carr

Others present: Township Supervisor Tom Balmes, Zoning Administrator and Recording Secretary Donna Shields, Jennifer Stewart, Dan & Phyllis LaCombe, Peggy Smith, Duane Newton, Jeff Cromell, Kathy Walther, Pat Gariepy, Chris Nettleton, Jesse Cadwell, Brian Van Wieren, Bryan & Brenda Eckberg

- **APPROVAL OF AGENDA** – Motion by Carr, second by Smith to add to the agenda to send a recommendation to the Township Board for placement of a moratorium on short-term rentals until we complete the ordinance amendments and it is approved. Motion Carried
Motion by Smith, second by Cain to approve the agenda as amended. Motion carried
- **APPROVAL OF MINUTES** – Motion by Cain, second by Carr to approve minutes of the March 12, 2025 Planning Commission Meeting. Motion Carried
- **PUBLIC COMMENT** – Public comments were heard from Duane Newton.
- **BOARD COMMENTS** – None
- **PUBLIC HEARINGS**
 - a **Jennifer Stewart requesting a conditional use permit for a short-term rental at E5647 Riverview Dr, Au Train, MI 49806, Parcel ID# 001-450-019-00**

Chair Cain opened the hearing at 6:09 pm.

Zoning Administrator Shields opened with a summarization of the staff report that was provided to all commission members via email prior to the hearing. ZA Shields reminded the commission that any discussion points or recommendations on the staff report are just her comments based on facts known and that the discretionary decisions for compliance with each standard is solely up to the planning commission.

Chair Cain, then asked the applicant if she had anything to add and she declined any further comment.

Smith commented on the site plan that it was missing placement of the well and septic system. He also asked the applicant if they had been renting this out already, to which she stated they

had not. Chair Cain confirmed with the applicant that there are no egress windows in the basement bedroom as was noted on the staff report. The applicant stated they would be adding them in the future.

After much discussion about the site plan not having the required well and septic noted, a motion was made by Carr, second by Smith to deny the application as the site plan was incomplete. Roll call vote was taken. Carr: yes, Smith: yes, LaCombe: no, Lang: no, Cain: no. Motion failed

Chair Cain opened the public comment period at 6:21 pm

Public comment was made by Jesse Cadwell who stated this neighborhood was just rezoned to Residential. He feels that short-term rentals do change the character of the area. There are many kids in the area and renters are sometimes loud creating more noise and it wouldn't be an improvement. He stated that the home was rented during the moratorium. Mr. Cadwell voiced concerns over human trafficking and cited a sting operation from February whereas sexual predators concerning a minor were apprehended in the community.

Public comment was heard from Chris Nettleton who lives adjacent to the Stewart home. He noted they are surrounded by rentals. He questioned the "sting-operation" asking why the Sheriff used our community to lure these predators in? Mr. Nettleton claims he has never seen the Stewart home rented out, though they do allow family and friends to use the home at times and that the family didn't purchase this home as an income investment, rather they do plan to retire and live here one day.

Public comment was heard from Jeff Cromell from Christmas. Mr. Cromell stated that short-term rentals do not follow the intent of the residential R1 neighborhood which is to be for single and two-family residence, quiet and free from other uses not compatible. He believes short-term rentals belong in other districts.

Public comment was heard from Duane Newton who agreed this is a large topic state-wide and even nation-wide. The township has allowed them as a conditional use in every district, yet there are other issues in the code besides the 802A standards that aren't being discussed.

Public comment was heard from Kathy Walther who lives adjacent to the Stewart home. She would like residential as is. She wants to know who her neighbors are. She said that there have been as many as 20 people at a time at the Stewart home, up all night keeping others awake with their noise. She states their subdivision has covenants that state no short-term rentals/vacation rentals. She believes there is a place for short-term rentals, but not in residential neighborhoods.

Chair Cain closed the public comment period at 6:36 pm

The Board reviewed the General Standards from Section 802A of the Au Train Township Zoning Ordinance. See *Statement of Facts and Findings Attachment A*.

Motion by Smith, second by Lang to deny the use of short-term rental for Jennifer Stewart at E5647 Au Train Riverview Drive, Au Train, MI 49806 Parcel ID# 001-450-019-00 because the

applicant failed to meet standard #2 of the Au Train Township zoning ordinance.

Roll call vote was taken. Smith: yes, Lang: yes, LaCombe: yes, Cain: yes, Carr: yes.
Motion passed 5-0

Chair Cain closed the public hearing at 6:44 pm

b Christopher & Jamie Holley requesting a conditional use permit for a short-term rental at E7698 W State Hwy M28, Christmas, MI 49862, Parcel ID# 001-590-006-00

Chair Cain opened the hearing at 6:44 pm

Zoning Administrator Shields opened with a summarization of the staff report that was provided to all commission members via email prior to the hearing.

The applicant opened with discussion of his well and septic system, which was not shown on his site plan. He purchased the house through a VA loan and inspections included a tank inspection. Mr. Holley approached the commission and entered marks on his aerial view site plan as to location of the well and septic. Clarification was given that the garage and workshop area under the house closes off completely from the rest of the finished basement.

Chair Cain opened the public comment period at 6:51 pm

Public comment was heard from neighbor Bryan Eckberg who basically stated that this was a quiet residential neighborhood and he was not in favor of having short-term rentals in the area, that's not why he chose to live there.

Chair Cain closed the public comment period at 6:52 pm

The Board reviewed the General Standards from Section 802A of the Au Train Township Zoning Ordinance. See *Statement of Facts and Findings Attachment B*.

Motion by Smith, second by Cain to conditionally approve the use of short-term rental for Christopher & Jamie Holley at E7698 W State Hwy M28, Christmas, MI 49862 Parcel ID# 001-590-006-00.

Conditions of approval include: posting pool rules to mitigate loud noises to avoid disturbing the neighbors.

Roll call vote was taken. Smith: yes, Cain: yes, LaCombe: yes, Carr: no, Lang: yes.
Motion passed 4-1

Chair Cain closed the public hearing at 7:13 pm and called a 5-minute recess

Chair Cain resumed the meeting at 7:18pm

- **AGENDA ADDITION ITEM – SEND A RECOMMENDATION TO THE TOWNSHIP BOARD FOR PLACEMENT OF A MORATORIUM ON SORT-TERM RENTALS UNTIL WE COMPLETE THE ORDINANCE AMENDMENTS AND IT IS APPROVED** – Carr expressed concerns with continuing to approve more short-term rentals in residential districts when the planning commission is talking about possibly removing them from some districts as part of the forthcoming ordinance amendments. If these changes do take place, the more we approve now just become non-conforming uses. He stated he felt some members of the Township Board were in favor of this. Chair Cain spoke against it stating that it causes more issues, especially with potential land transfers when a potential buyer cannot determine if the conditional use will be allowed, they won't complete a sale.

Talk also centered around the fact that there are potentially many out there operating without compliance and we need to get a handle on that because housing availability is scarce. Cain felt that the free market will fix the issue in time. He stated that it is already starting to.

Motion by Carr, second by LaCombe to send a recommendation to the Township Board to place a moratorium on short-term rentals until after the amended ordinance takes effect.

Roll call vote was taken. Carr: yes, LaCombe: yes, Cain: no, Lang: no, Smith: yes

- **CORRESPONDENCE/ANNOUNCEMENTS** – None
- **PUBLIC COMMENT** – Public comments were heard from Duane Newton, Jesse Cadwell, Chris Nettleton, Jeff Cromell, and Jennifer Stewart
- **BOARD COMMENT** – Chair Cain commented that during public comment he heard two people state that the Stewart CUP was denied due to incomplete site plan and that is not correct. The motion to deny due to incomplete site plan failed. Cain verified this with Recording Secretary Shields who confirmed the motion failed. Cain stated that the CUP was denied for failure to meet standard #2 of Section 802 A of the Au Train Township zoning ordinance.

Comment was heard from Matt Lang who thanked Chair Cain for his time serving on the Commission. You've been much appreciated, thank you Jason.

- **NEXT MEETING** – A regular meeting of the Planning Commission is scheduled for April 17, 2025 at 6:00 pm
- **ADJOURN** – Motion by Lang, second by Smith to adjourn at 7:42pm. Motion Carried

Minutes submitted by: Donna Shields, Recording Secretary, to the Au Train Township Planning Commission

Approved: April 17, 2025

Signed: _____ on file _____
Donna Shields – Recording Secretary

Signed: _____ on file _____
Scott Smith - Secretary

STATEMENT OF FINDINGS AND CONCLUSIONS - CUP HEARING

Date of Hearing: March 19, 2025 Request: Short-term Rental
 Applicant: Jennifer Stewart Parcel ID#: 001-450-019-00
 Address: E5647 Au Train Riverview Drive, Au Train District: R1

Section 802 – Basis of Determination / General Standards

A. The Planning Commission shall review the particular circumstances of the conditional use request under consideration in terms of the following standards and shall approve a conditional use only upon a finding of compliance with each of the following standards as well as applicable standards established elsewhere in this Ordinance.

1. The conditional use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and surrounding area.

Discussion: Chair Cain thought the structure resembles that of the area and its use would mimic residential life of people enjoying their property. Lang did not feel it would be harmonious with residential life, Smith agreed.

Roll Call: Carr: yes, Lang: no, Smith: no, LaCombe: yes, Cain: yes

2. The conditional use shall not change the essential character of the surrounding area.

Discussion: Chair Cain thought if the number of people were kept at 8 it shouldn't. Smith felt otherwise with having others in the area, that when you change the density, it does change the neighborhood.

Roll Call: LaCombe: no, Carr: no, Cain: yes, Lang: no, Smith: no

Further discussion was had to the possibility of a condition that might be placed so that standard #2 could be found true, but none was realized. Discussion was followed by Motion to deny.

3. The conditional use shall not interfere with the general enjoyment of adjacent property.

Discussion:

Roll Call:

4. The conditional use shall represent an improvement to the property under consideration and the surrounding area in general.

Discussion:

Roll Call:

- 5. **The conditional use shall not be hazardous to adjacent property, or involve uses, activities, materials, or excessive production of traffic, noise, smoke, odor, fumes, or glare.**

Discussion:

Roll Call:

- 6. **The conditional use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to adequately provide for the services and facilities deemed essential to the conditional use under consideration.**

Discussion:

Roll Call:

- 7. **The conditional use shall not place demands on public services and facilities in excess of current or immediately planned capacity.**

Discussion:

Roll Call:

- 8. **The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any adopted county or township development plan.**

Discussion:

Roll Call:

Approved

Motion to approve the (request) _____ for (applicant) _____
 located at (address) _____ Parcel ID# 001- _____

The following conditions shall apply: (list, if any)

Denied

Motion by Smith, second by Lang to deny the use of short-term rental for Jennifer Stewart at E5647 Au Train Riverview Drive, Au Train, MI 49806 Parcel ID# 001-450-019-00 because the applicant failed to meet standard #2 of the Au Train Township zoning ordinance.

Roll call vote was taken. Smith: yes, Lang: yes, LaCombe: yes, Cain: yes, Carr: yes. Motion passed 5-0

STATEMENT OF FINDINGS AND CONCLUSIONS - CUP HEARING

Date of Hearing: March 19, 2025 Request: Short-Term Rental
 Applicant: Christopher & Jamie Holley Parcel ID#: 001-590-006-00
 Address: E7698 West State Hwy M28, Christmas Zoning District: Town Development

Section 802 – Basis of Determination / General Standards

A. The Planning Commission shall review the particular circumstances of the conditional use request under consideration in terms of the following standards and shall approve a conditional use only upon a finding of compliance with each of the following standards as well as applicable standards established elsewhere in this Ordinance.

1. The conditional use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and surrounding area.

Discussion: Lang felt that it is as it's located in Town Development district which is mixed residential and commercial.

Roll Call: Carr: yes, Smith: yes, LaCombe: yes, Cain: yes, Lang: yes

2. The conditional use shall not change the essential character of the surrounding area.

Discussion: Chair Cain felt that the home is situated basically center of nearly 4 acres of wooded land with direct access to State highway M28.

Roll Call: LaCombe: yes, Cain: yes, Lang: yes, Carr: yes, Smith: yes

3. The conditional use shall not interfere with the general enjoyment of adjacent property.

Discussion: Carr felt that it interferes with the general enjoyment of adjacent property as per the public comment heard. Carr felt that we need to start listening to the neighbors because they've been there for years. Chair Cain disagreed and stated that we need to follow the zoning ordinance.

Roll Call: Carr: no, Cain: yes, Lang: yes, LaCombe: yes, Smith: yes

4. The conditional use shall represent an improvement to the property under consideration and the surrounding area in general.

Discussion: Smith felt it was neither an improvement to the property nor does it take away anything. Chair Cain felt that it usually does improve the property.

Roll Call: Smith: yes, Cain: yes, Carr: yes, Lang: yes, LaCombe: yes

5. The conditional use shall not be hazardous to adjacent property, or involve uses, activities, materials, or excessive production of traffic, noise, smoke, odor, fumes, or glare.

Discussion: Discussion centered around the pool. It was felt that it was a green area with distance between neighbors. Mr. Holley stated that pool use would be included with the rentals if he could find a manager that would be willing to maintain the pool, otherwise not. It was decided that if the pool were to be used, pool rules should be posted to mitigate the occurrences of loud noises that might affect the neighbors, especially late night.

Roll Call: Smith: yes, Lang: yes, Cain: yes, Carr: yes, LaCombe: yes

6. The conditional use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to adequately provide for the services and facilities deemed essential to the conditional use under consideration.

Discussion: There were no concerns as this property has full access to all services.

Roll Call: Carr: yes, Cain: yes, Lang: yes, Smith: yes, LaCombe: yes

7. The conditional use shall not place demands on public services and facilities in excess of current or immediately planned capacity.

Discussion: There were no concerns as this property has full access to all services.

Roll Call: Smith: yes, LaCombe: yes, Lang: yes, Cain: yes, Carr: yes

8. The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any adopted county or township development plan.

Discussion: Carr stated it's in the town development district, so it should be.

Roll Call: Lang: yes, Smith: yes, Cain: yes, LaCombe: yes, Carr: yes

Approved -- Motion by Smith, second by Cain to conditionally approve the use of short-term rental for Christopher & Jamie Holley at E7698 W State Hwy M28, Christmas, MI 49862 Parcel ID# 001-590-006-00. Conditions of approval include: posting pool rules to mitigate loud noises to avoid disturbing the neighbors.

Denied
Motion to deny the (request) _____ for (applicant) _____
located at (address) _____ Parcel ID# 001-_____
Reason(s): _____

Motion Roll Call: Smith: yes, Cain: yes, LaCombe: yes, Carr: no, Lang: yes Motion approved 4-1

CUP HEARING
SHORT TERM RENTALS

Date of Hearing: March 19, 2025

Applicant: Christopher & Jamie Holley

Parcel ID: 001-590-006-00

Address: E7698 West State Hwy M28, Christmas

Section 802F – Basis of Determination / Short Term Rentals

F. The following standards shall be used by the Planning Commission when considering Short Term Rentals

1. The name, address, telephone number, and email address of at least one local contact person responsible for handling any problems that arise with the rental property shall be prominently displayed in the rental
2. Adequate off-street parking shall exist for tenants' vehicles and trailers (e.g. boat, ATV, snowmobile, RV.)
3. The Au Train Township Noise Ordinance shall be prominently displayed in the rental property.
4. Occupancy of the rental shall be limited to not more than 2 persons per bedroom plus 2 persons per occupied finished floor. Example: 4 bedrooms and 2 floors = 8+4 = 12 persons.

Based on our findings you are allowed a maximum of

10

 total occupants (including children.)

Be it further known as stated in the Zoning Ordinance Section 421 Short-term Rentals:

- A. Short-term rentals are subject to the following conditions and limitations:
1. Pets shall be secured on the premises or on a leash at all times.
 2. All occupants must practice courtesy to neighbors in regard to noise and activities.