

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

May 14, 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 Vice Chair Cadwell at 6:00 pm, followed by the Pledge of Allegiance.

- **ROLL CALL** – Members present: Vice Chair Jesse Cadwell, Secretary Scott Smith, Member Matt Lang, Township Board Liaison John Carr. Absent: Chair LaCombe

Others present: Zoning Administrator Donna Shields, Peggy Smith, Duane Newton, Daniel Risch, Robert Gibbons, Kevin Kolbus, Danielle Kolbus

- **APPROVAL OF AGENDA** – Motion by Lang, second by Cadwell to approve agenda as presented. Motion Carried
- **APPROVAL OF MINUTES** – Motion by Cadwell, second by Smith to approve minutes of the April 23, 2025 Planning Commission Meeting. Motion Carried
- **ZONING ADMINISTRATOR REPORT** – ZA Shields presented the Zoning Report as was presented to the Board of Trustees at their monthly meeting on May 12, 2025. Copy is on file in the Township offices and on the website.
- **PUBLIC COMMENT** – Public comments were heard from Duane Newton
- **BOARD COMMENTS** -- None
- **PUBLIC HEARINGS**
  - a **Daniel Risch requesting an accessory building exceeding 3500 sq ft at E7139 Carlson Rd, Au Train, Parcel ID# 001-212-029-00**

**Vice Chair Cadwell opened the hearing at 6:07 pm**

Zoning Administrator Shields presented the staff report on this application which had been distributed to the Commission via email prior to the date of the hearing. Mr. Rish is asking to be permitted to construct an accessory building 60 x 80' in size. Per Zoning Ordinance Section 408 Item 4, this requires a conditional use permit. The accessory building will be partially cold storage and partially a heated workshop. The parcel is situated on 8.4 acres of land on Sixteen Mile Lake. No visible neighbors nearby. The property is currently used by the owners as a second residence and is in zoning district LS/R2.

The floor was given to the applicant who affirmed the ZA's report.

**Vice Chair Cadwell opened the public comment period at 6:13 pm**

Public comments were heard from Duane Newton stating it would be nice if the Planning Commission would use the TV screen for presenting the site plan and information on the hearing. ZA Shields acknowledged her intent to do such and commenced with the screen shots and photos of the site with explanations.

No other public comments were heard and no written public comments were received.

**Vice Chair Cadwell closed the public comment period at 6:17 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 Carr, second by Cadwell to approve the Conditional use for an accessory building of 4800 sq ft for Daniel Risch at E7139 Carlson Rd, Au Train Parcel ID# 001-212-029-00. The application is found to meet the requirements of Section 802A of the Au Train Township Zoning Ordinance

Roll Call vote – Carr: Yes, Cadwell: Yes, Lang: Yes, Smith: Yes

Motion carried 4-0

**Vice Chair Cadwell closed the public hearing at 6:29 pm**

**Vice Chair Cadwell announced a recess of 5 minutes at 6:30 pm**

**b Kevin Kolbus requesting a conditional use of Short-term rental for E7781 Carr Lake Dr, Christmas, Parcel ID# 001-179-001-15**

**Vice Chair Cadwell called the meeting back from recess and opened the hearing at 6:30 pm**

Zoning Administrator Shields presented the staff report on this application which had been distributed to the Commission via email prior to the date of the hearing. The 2-bedroom home is situated in zoning district Town Development and is newly constructed. The 1.06 acre parcel has a new drilled well and septic system. The adjacent parcels are mostly all owned by the applicant and are a mix of residence, business, and the applicant's residence. Using the township's smart TV screen, ZA Shields presented the visual mapping and photos of the home and area.

Applicant Kevin Kolbus took the floor to explain how the home was created utilizing two tiny homes. He also explained the access to the parcel is via Carr Lake Drive off M28, which leads to both Carr Lake Storage (owned by the applicant) and the Pictured Rocks RV Park. Access is furthermore achieved through Carr Lake Storage parcel which the applicant states he has deeded easement through. The commission questioned Mr. Kolbus regarding easements for

utilizing Carr Lake Drive, as that is a private road. While Mr. Kolbus owns the parcels on the east side of the road, it was unclear as to who actually owned the road and if any easements existed for allowing its use.

**Vice Chair Cadwell opened the public comment period at 7:02 pm**

Public comments were heard from Duane Newton who felt the decision to approve or deny should not move forward until the question of access is settled.

No other public comments were heard and no written public comments were received.

**Vice Chair Cadwell closed the public comment period at 7:06 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 Carr, second by Cadwell to approve the conditional use of short-term rental for Kevin Kolbus at E7781 Carr Lake Dr, Christmas, Parcel ID# 001-179-001-15 with the condition that the applicant show legal documented access through Carr Lake Drive.

Roll Call Vote: Carr: Yes, Cadwell: Yes, Lang: Yes, Smith: Yes

Motion carried 4-0

**Vice Chair Cadwell closed the public hearing at 7:20 pm**

**c Kevin Kolbus requesting a conditional use of Short-term rental for E7779 St Hwy M28, Christmas, Parcel ID# 001-650-024-00**

Zoning Administrator Shields presented the staff report on this application which had been distributed to the Commission via email prior to the date of the hearing. The 2-bedroom home is situated in zoning district Town Development on the corner of M28 and Carr Lake Drive with access from either road. The surrounding area is mostly all owned by the applicant and is a mix of residence, business, and short-term rentals. The applicant recently purchased this property and did a total renovation on the home and accessory building. Using the Township's smart TV screen, ZA Shields presented the visual mapping and photos of the home and area. Commissioner Smith questioned the lack of an actual site plan. Though there was an aerial photo, GIS mapping image, a copy of the Plat of White Birch showing lot dimensions, and illustrated aerial of buildings with well and septic placements, there was nothing indicating the dimensions of the home and the distance to the lot lines. ZA Shields commented that she understood while the Zoning Ordinance states that the site plan should have X, Y, & Z, but in this case, we have a home that has existed a long time and has been used as a dwelling and it's not like the applicant is asking to build something new where we need to know setbacks. She questioned how relevant the missing information was to the approval. Commissioner Smith felt strongly that it was a matter of being fair and consistent.

Motion by Smith, second by Lang to deny the application due to no site plan. After much discussion, motion by Smith, second by Lang to withdraw the motion to deny.

The floor was given to the applicant who described the condition of that home and property prior to his purchase and renovation. It sat completely vacant for 4 years prior to the purchase. Kolbus agreed to provide the commission with the lacking site plan information to use in making their decision at a later time.

**Vice Chair Cadwell opened the public comment period at 7:52 pm**

Public comment was received from Duane newton who commented that it was “quite a show.”

Public comment was received from Bob Gibbons who lives next door to the applicant. He stated that he thought it was the Commission’s job to work with the property owner to see that they meet the rules and guidelines, what’s ok and what’s not ok. Then he stated that now he understands it’s to enforce the law, not to help, assist, or guide them. He stated that the commission was losing the focus of working with the community and are just being cops and that’s not what this job is.

No other public comments were heard and no written public comments were received.

**Vice Chair Cadwell closed the public comment period at 7:54 pm**

Motion by Smith, second by Cadwell to table the decision on the application until Mr. Kolbus can provide a complete site plan.

Roll call vote: Smith: yes, Cadwell: yes, Carr: yes, Lang: yes

Motion carried 4-0

**Vice Chair Cadwell closed the public hearing at 7:57 pm**

- **CORRESPONDENCE/ANNOUNCEMENTS** – None
- **PUBLIC COMMENT** – Comments were heard from Peggy Smith and Duane Newton
- **BOARD COMMENT** – Comments were heard from Commissioner Carr and Vice-Chair Cadwell.
- **NEXT MEETING** -- June 11, 2025 at 6pm
- **ADJOURN** – Motion by Smith second by Cadwell to adjourn at 8:08 pm Motion Carried

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

Approved: June 11, 2025

Signed: \_\_\_\_\_ on file \_\_\_\_\_  
Donna Shields – Recording Secretary

Signed: \_\_\_\_\_ on file \_\_\_\_\_  
Scott Smith - Secretary

## STATEMENT OF FINDINGS AND CONCLUSIONS - CUP HEARING

Date of Hearing: May 14, 2025	Request: Conditional Use Accessory Bldg
Applicant: Daniel Risch	Parcel ID#: 001-212-029-00
Address: E7139 Carlson Rd, Au Train	District: LS/R2

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: The applicant plans to build this to compliment the home already existing. Stick built and wood sided. The Commission had no concerns with this standard being met.

Roll Call: Carr: Yes, Cadwell: Yes, Lang: Yes, Smith: Yes

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

Discussion: This is a remote area and a large parcel with no visible neighbors nearby. No changes to character expected.

Roll Call: Lang: Yes, Smith: Yes, Cadwell: Yes, Carr: yes

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

Discussion: The home and proposed accessory building are basically center of an 8.4 acre parcel with no neighbors nearby.

Roll Call: Smith: Yes, Lang: Yes, Carr: Yes, Cadwell: Yes

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

Discussion: The building will be finished to compliment the home and will add substantial value to the parcel in general.

Roll Call: Cadwell: Yes, Smith: Yes, Lang: Yes, Carr: 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: No hazardous uses are expected and should not be disruptive to traffic or neighbors.

Roll Call: Cadwell: Yes, Carr: Yes, Lang: Yes, Smith: 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: Dumpster on Maple Grove Road used for trash. Private road of sufficient condition to allow emergency services access.

Roll Call: Carr: Yes, Lang: Yes, Smith: Yes, Cadwell: Yes

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

Discussion: No more so than home already in place.

Roll Call: Cadwell: Yes, Carr: Yes, Smith: Yes, Lang: 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: In line with ordinance and it's regulations

Roll Call: Lang: Yes, Smith: Yes, Carr: Yes, Cadwell: Yes

☒ **Approved**

☐ **With Conditions**

Motion:

Motion by Carr, second by Cadwell to approve the Conditional use for an accessory building of 4800 sq ft for Daniel Risch at E7139 Carlson Rd, Au Train Parcel ID# 001-212-029-00. The application is found to meet the requirements of Section 802A of the Au Train Township Zoning Ordinance

Roll Call vote – Carr: Yes, Cadwell: Yes, Lang: Yes, Smith: Yes

☐ **Denied**

Motion:

Motion Roll Call:

## STATEMENT OF FINDINGS AND CONCLUSIONS - CUP HEARING

Date of Hearing: May 14, 2025	Request: Short-term Rental
Applicant: Kevin Kolbus	Parcel ID#: 001-179-001-15
Address: E7781 Carr Lake Dr, Christmas	District: TD

### 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: Adjacent properties include other short-term rentals and a large RV campground.

Roll Call: Carr: Yes, Lang: Yes, Smith: Yes, Cadwell: Yes

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

Discussion: The commission generally felt that it should not change the character of the area.

Roll Call: Lang: Yes, Cadwell: Yes, Carr: Yes, Smith: Yes

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

Discussion: The applicant lives adjacent and manages other adjacent short-term rentals and a commercial business.

Roll Call: Smith: Yes, Lang: Yes, Carr: Yes, Cadwell: Yes

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

Discussion: Improvements have already been recognized as this was once a vacant lot.

Roll Call: Cadwell: Yes, Lang: Yes, Smith: Yes, Carr: 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: Should not add significantly to the area traffic as there is already a 70+ unit RV campground nearby that utilizes the road.

Roll Call: Lang: Yes, Cadwell: Yes, Carr: Yes, Smith: 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: Area is serviced by GFL for curbside trash pickup. Power is underground.

Roll Call: Lang: Yes, Cadwell: Yes, Smith: Yes, Carr: Yes

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

Discussion: No more so than a standard residence.

Roll Call: Carr: Yes, Smith: Yes, Lang: Yes, Cadwell: 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: The district of Town Development is intended for mixed use and use of short-term rental is conditionally permitted per the zoning ordinance.

Roll Call: Lang: Yes, Smith: Yes, Cadwell: Yes, Carr: Yes

☐ **Approved**      ☒ **With Conditions**

Motion: Motion by Carr, second by Cadwell to approve the conditional use of short-term rental for Kevin Kolbus at E7781 Carr Lake Dr, Christmas, Parcel ID# 001-179-001-15 with the condition that the applicant show legal documented access through Carr Lake Dr.

Roll Call Vote: Carr: Yes, Cadwell: Yes, Lang: Yes, Smith: Yes Motion carried 4-0

☐ **Denied**

Motion:

Motion Roll Call:



CUP HEARING  
SHORT TERM RENTALS

Date of Hearing: May 14, 2025

Applicant: Kevin Kolbus

Parcel ID: 000-179-001-15

Address: E7781 Carr Lake Dr, Christmas

District: Town Development

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 6 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.