

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

September 25, 2025 – 6:00pm

Au Train Township Hall - N7569 Spruce St – Au Train, MI 49806

**MINUTES**

- **CALL TO ORDER** - The meeting was called to order by Chair LaCombe at 6:01 pm, followed by the Pledge of Allegiance.
- **ROLL CALL** – Members present: Chair Scott LaCombe, Vice Chair Jesse Cadwell, Interim Secretary Matt Lang, Township Board Liaison John Carr

Others present: Zoning Administrator Donna Shields, Dan & Phyllis LaCombe, Bob Leibinger, Bob & Tina DesArmo, Mary Tiernan, Tyler Penrod, Cory Cole

- **APPROVAL OF AGENDA** – Motion by Carr, second by Lang to approve agenda as presented. Motion Carried
- **APPROVAL OF MINUTES** – Motion by Lang, second by Cadwell to approve minutes of the August 21, 2025 Planning Commission Meeting. Motion Carried
- **ZONING ADMINISTRATOR REPORT** – Zoning Administrator Shields presented her report on the past month’s zoning activity. Report is on file at the township hall and on the Township’s website.
- **PUBLIC COMMENT** – Public comments were heard from Bob Leibinger, Cory Cole. Public comments were received in e-mail from Duane newton and forwarded to the commission members for review prior to the meeting.
- **BOARD COMMENTS** – None
- **PUBLIC HEARINGS**

- a **Cory & Kristy Cota are requesting a Conditional use permit for a Private Kennel at N4421 16 Mile Lake Rd, Munising, Parcel ID# 001-212-001-00 District: LS/R2**

**Chair LaCombe opened the hearing at 6:13 pm**

ZA Shields presented her staff report to the Commission outlining the request of this application and noting no areas of concern. Parcel is surrounded on two sides by National Forest and only one adjacent neighbor. The full staff report will be kept on file.

Applicant Kristy Cota gave comment describing the desire to use the existing pole barn to provide winter shelter for three dogs to start. The barn will have inside runs 5x10’ and no outside runs.

Chair LaCombe called for public comment. No public comment was given by those in

attendance, though there were comments received via e-mail prior to the hearing from Duane Newton which were forwarded to the commissioners for review. Mr. Newton stated his opposition to the request citing this district does not show an animal shelter as a permitted accessory use as is seen in other districts. Mr. Newton also expressed concerns that it would not comply with state/county regulations and should warrant permitting/licensing by such. The complete e-mail will be kept on file.

**Chair LaCombe closed the public comment period and the public hearing at 6:22 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 Lang to approve the private kennel for Cory & Kristy Cota at N4421 16 Mile Lake Rd, Munising Parcel ID# 001-212-001-00 without conditions. The application is found to meet the requirements of Section 802A of the Au Train Township zoning ordinance.

Carr: Yes, LaCombe: Yes, Lang: Yes, Cadwell: Yes  
Motion carried 4-0

**b Proposed Amendment to the Au Train Township Zoning Ordinance – Article XIII – Enforcement and Violations**

**Chair LaCombe opened the hearing at 6:34 pm calling for public comment**

Public comment was heard from Cory Cole of Au Train who expressed concerns about section 1309 stating there was no repercussion for the Township if they are wrong. A person could spend money defending themselves against an action of the Township, either in court or the costs of a ZBA hearing, yet if in the end the Township was found to be wrong, there's nothing that says the Township covers those costs incurred. He also wanted clarification of non-conforming vs nuisance.

No other public comments were heard from those in attendance, though public comments in e-mail were received from Duane Newton which were forwarded to the commissioners for review prior to the date of this hearing. Mr. Newton felt this amendment was not ready to be sent to the Township Board for consideration. He cited confusion with Section 1302 B, and 1303 A. Mr. Newton also felt that much of this was already covered in the Zoning Ordinance, yet the Township has not been doing their duties. He felt that if this article were added to the ordinance, it would add to the confusion as most people do not understand it already. The complete e-mail will be kept on file.

**Chair LaCombe closed the public comment period and the public hearing at 6:38 pm**

After some discussion of minor punctuation and grammar changes, Interim Secretary Lang moved forward with reading the Resolution (Attachment B) to Adopt the Amendment to the Au Train township Zoning Ordinance to Insert Article XIII – Enforcement and Violations (Attachment C) and roll call vote was taken:

Carr: yes, LaCombe: yes, Cadwell: yes, Lang: yes

**Chair LaCombe declared the resolution adopted.** The amendment shall be forwarded to the Township Board for their approval and final adoption.

- **OLD BUSINESS** – A future work session of October 23, 2025 at 6:00 pm was set to continue review of the zoning ordinance with CUPPAD’s assistance
- **NEW BUSINESS** - None
- **CORRESPONDENCE/ANNOUNCEMENTS** – None
- **PUBLIC COMMENT** – None
- **BOARD COMMENT** -- None
- **NEXT MEETING** – October 23, 2025 6:00 pm Zoning Ordinance work session
- **ADJOURN** – Motion by Carr second by Cadwell to adjourn at 7:23 pm. Motion Carried

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

Approved: October 23, 2025

Signed: \_\_\_\_\_ On File \_\_\_\_\_  
Donna Shields – Recording Secretary

Signed: \_\_\_\_\_ On File \_\_\_\_\_  
Matt Lang - Interim Secretary

## STATEMENT OF FINDINGS AND CONCLUSIONS - CUP HEARING

|  |                            |
|--|----------------------------|
| Date of Hearing: September 25, 2025      | Request: Private Kennel    |
| Applicant: Cory & Kristy Cota            | Parcel ID#: 001-212-001-00 |
| Address: N4421 16 Mile Lake Rd, Munising | 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 commission felt that this standard will be met as the building already exists. There should be no difference in appearances

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

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

Discussion: The commission felt that since the building was already in place and would be used to shelter the dogs from the outside existence where they currently are kept, no change would be realized.

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

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

Discussion: The commission felt it would be a benefit to move the dogs from outside to inside. Also, all neighbors were individually notified of this application and hearing and no comments were received from any adjacent landowners showing concerns.

Roll Call: Lang: Yes, LaCombe: 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 Commission felt that moving the dogs inside was an improvement and the inside renovations to build the runs etc., were also improvements.

Roll Call: Cadwell: Yes, Lang: Yes, Carr: 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: The Commission felt that having the dogs outside as they have been had not been a problem with any of these concerns and moving them inside certainly shouldn't increase the chance of the occurrence.

Roll Call: Carr: Yes, LaCombe: Yes, Cadwell: Yes, Lang: 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: The Commission felt there should be any changes to use of existing utilities and services already in place for this parcel.

Roll Call: Cadwell: Yes, La Combe: Yes, Carr: Yes, Lang: Yes

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

Discussion: The commission felt this use would not place any additional demands on public services.

Roll Call: LaCombe: Yes, Lang: Yes, Carr: 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 Commission felt this use is in line with the LS/R2 Section III Zoning Ordinance requirements of being conditionally allowed.

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

**Approved**       **With Conditions**

Motion by Carr, second by Lang to approve the private kennel for Cory & Kristy Cota at N4421 16 Mile Lake Rd, Munising Parcel ID# 001-212-001-00 without conditions. The application is found to meet the requirements of Section 802A of the Au Train Township zoning ordinance.

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

Resolution for Recommendation of Adoption  
for an Amendment to the Au Train Township Zoning Ordinance

WHEREAS, the Au Train Township Planning Commission has the duty of preparing a Zoning Ordinance for Au Train Township; and

WHEREAS, the Au Train Township Board of Trustees has adopted Ordinance No. 2025-001 Municipal Civil Infraction Ordinance; and

WHEREAS, the Planning Commission has prepared an updated and amended Zoning Ordinance for the Township in accordance with the Michigan Zoning Enabling Act, M.C.L. 125.3101 et. seq. to add Section XIII - Enforcement and Violations; and

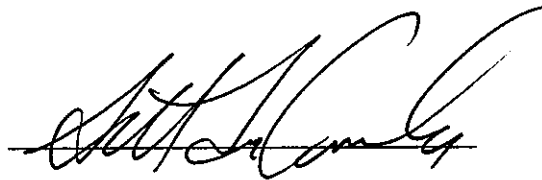
WHEREAS, the Planning Commission has met all public notification requirements of the Michigan Zoning Enabling Act, including a public hearing held on September 25, 2025 for additional public review and comments;

NOW THEREFORE BE IT RESOLVED that the Au Train Township Planning Commission hereby recommends that the Au Train Township Board adopt the proposed Zoning Ordinance amendment with corrections.

Yeas: 4 Nays: 0 Absent: 0

9/25/2025

Date



Chair

I certify that the above is a true and complete copy of a resolution passed by the Au Train Township Planning Commission at a meeting on September 25, 2025

By: Matt Long

Interim Planning Commission Secretary

Ordinance Number \_\_\_\_\_

**Amendment to the Au Train Township Zoning Ordinance  
to Insert Article XIII – Enforcement and Violations**

THE TOWNSHIP OF AU TRAIN, ALGER COUNTY, ORDAINS:

**Section 1:** The wording and phrases of Article I, Section 107 – Violations and Penalties is repealed:

**Section 2:** A new Article is inserted into the Au Train Township Zoning Ordinance as “Article XIII – Enforcement and Violations” and is codified as follows:

Section 1301 – Enforcement

- A. The Zoning Administrator or other Township Board designee shall be a designated Ordinance Enforcement Officer with responsibility for enforcing the Au Train Township Zoning Ordinance and in accordance with the Township’s ordinances and policies.
- B. The Zoning Administrator or other designated Ordinance Enforcement Officer shall initiate a municipal civil infraction action or other legal action to enforce this ordinance when a violation exists.
- C. The procedure for the identification and resolution of complaints and violations of this ordinance is maintained in the Au Train Township Municipal Civil Infraction Ordinance (#2025-001) and Ordinance Enforcement Policy.

Section 1302 - Nuisance Per Se and Injunctive Relief

- A. A violation of any regulation contained in this ordinance is determined to be detrimental to the health, safety and general welfare of the residents, property owners and other persons within the township, and is deemed a public nuisance per se. Any violation of this ordinance shall constitute a basis for injunctive relief against the violator or land owner to restrain and prohibit the violator or owner from continuing the violation, in addition to any other relief or penalty provided by this ordinance or allowed by law. The township or any owner or owners of real estate within the township may bring an action to enjoin such alleged violation activity.
- B. Any building, structure, or use constructed, altered, moved, or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

Section 1303 - Civil Infraction Violation

- A. Violations of the provisions of this Ordinance or failure to comply with its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans shall constitute a municipal civil infraction.
- B. Sanctions for violations shall be a civil fine in the amount of not less than that established by the Au Train Township Board in the Township Fee Listing, plus other costs, damages, expenses, and other sanctions for each infraction.

Section 1304 – Misdemeanor Violations

- A. It shall be a misdemeanor, punishable upon conviction by a fine not to exceed \$500, plus other costs, imprisonment for a term not to exceed 90 days, or both fine and imprisonment; for any person who:
  - 1. Makes a knowing false statement, representation or certification in an application, report, record, plan or other document filed or required to be maintained pursuant to this ordinance; or
  - 2. Willfully continues or violates this ordinance after suspension or revocation of a permit authorized under this ordinance, other ordinances or state law.

Section 1305 – Continuing Offenses

- A. Each day a violation continues constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.

Section 1306 – Land Division Violations

- A. Where there is a violation of the Michigan Land Division Act, no zoning permits shall be issued.

Section 1307 – Building Construction Violations

- A. No person shall perform any construction, seek and receive a building permit as required by the building code in effect in the township or an environmental health, soil erosion or other local or state permits enforced in the township, without an approved zoning permit.

Section 1308 – Overlapping Jurisdiction

- A. In addition to the approvals and permits required and specified in this ordinance, the Zoning Administrator shall, prior to the issuance of any zoning permit, be satisfied that the permit for the particular development and/or construction have been or will be approved from such state or other local, county, state and/or federal agencies having jurisdiction in such matters pursuant to local ordinances, county ordinances, state or federal laws.

Section 1309 – Administrative Jurisdiction

- A. No officer, member, agent or employee of the township board, planning commission or zoning board of appeals shall be personally liable for any damage or consequence that may occur as a result of any act, decision, or other event or cause by discharging their duties and responsibilities pursuant to this ordinance.

**Section 3:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance, except those ordinances and parts of ordinances or amendments thereto which are more restrictive than this Ordinance, are hereby repealed to the extent of such conflict.

**Section 4:** The amendments to the Au Train Township Zoning Ordinance shall be in full force and effect seven days following the publication of the notice of adoption in the Munising Beacon.

ORDINANCE ADOPTED BY TOWNSHIP BOARD: \_\_\_\_\_

PUBLICATION OF NOTICE OF ADOPTION: \_\_\_\_\_

ORDINANCE EFFECTIVE: \_\_\_\_\_

Notice for the Munising Beacon

AN ORDINANCE TO INSERT ARTICLE XIII “ENFORCEMENT AND VIOLATIONS”  
INTO THE AU TRAIN TOWNSHIP ZONING ORDINANCE  
WHICH WAS ADOPTED [DATE], AS AMENDED,

THE TOWNSHIP OF AU TRAIN, ALGER COUNTY, ORDAINS:

The Au Train Township Zoning Ordinance of November 19, 2008, and its subsequent amendments, shall include amendments described in the following sections:

**Section 1:** To repeal the wording and phrases of Article I, Section 107 – Violations and Penalties

**Section 2:** To insert Article XIII – Enforcement and Violations into the Zoning Ordinance and codify its provisions.

**Section 3:** Severability

**Section 4:** Effective Date

This ordinance amendment shall take effect seven days after publication of this notice. The full text of this amendment and of the Zoning Ordinance can be found on the Au Train Township website, [www.autrainship.gov](http://www.autrainship.gov), or by contacting the Township Clerk to view the ordinance at the Township Hall.