

**Au Train Township, Planning Commission**  
**Special Meeting**  
May 14, 2026 – 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 6:00pm, followed by the Pledge of Allegiance.
- **ROLL CALL** – Members present: Chair Scott LaCombe, Vice Chair Jesse Cadwell, Secretary Alexandra Free, Member Wyatt Seaberg, Member John Carr

Others present: Zoning Administrator Donna Shields, Dan & Phyllis LaCombe, Marietta Iordachesci, Greg & Kris Lindquist, Marsha Morrison, Adrienne Wolf, Bob & Tina DesArmo, Michelle Kroupa-Kulik, Kristen VanWieren, Kathy Towne, Dave & Becky Martin

- **APPROVAL OF AGENDA** – Motion by Carr, second by Seaberg to approve agenda as presented. Motion Carried
- **APPROVAL OF MINUTES** – Motion by Seaberg, second by Carr to approve minutes of the April 21, 2026 Planning Commission Meeting. Motion Carried
- **ZONING ADMINISTRATOR UPDATES** – ZA Shields presented on the latest zoning activity. Report is on file at the Township Hall and on the website.
- **PUBLIC COMMENT** – None
- **BOARD COMMENTS** – None
- **PUBLIC HEARINGS** –

- a **Todd Kulik and Michelle Kroupa-Kulik requesting conditional use permit to operate a short-term rental at N7111 Pioneer Trail, Parcel ID# 001-255-033-00**

**Chair LaCombe opened the hearing at 6:10 pm and called upon the Zoning Administrator to present the staff report.**

ZA Shields presented a summary of her staff report. The report had been shared with the commissioners via email prior to the hearing.

**Chair LaCombe opened the floor to the applicant to present their request.**

Michelle Kroupa-Kulik explained that this is their family cabin owned for many years and they wish to offer it out for short-term rentals. While these are smaller lots, the area is fairly secluded as not many full-time residents there, mostly occasional use in summer. They are looking to allow up to 4 persons and one vehicle.

**Chair LaCombe opened the floor to public comments.**

There were no written comments received and no in person comments given.

**Chair LaCombe closed the public comment period and hearing at 6:15 pm**

The Board discussed the facts that this is located in the LS/R1 zoning district where STRs are conditionally allowed and there was no opposition to the rental either in writing or in person. It was decided to move on to the General Standards.

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 use for a short-term rental for Todd & Michelle Kulik located at N7111 Pioneer Trail, Au Train Parcel ID# 001-255-033-00 The application is found to meet all requirements of the Au Train Township Zoning Ordinance, Section 802A - Basis of Determination General Standards.

Roll Call Vote: Carr: Yes, Cadwell: Yes, Seaberg: Yes, Free: Yes, LaCombe: Yes  
Motion Carried 5-0

**Chair LaCombe declared a short recess at 6:26pm**

- b Wyatt Seaberg requesting Conditional Use permit to operate a Resort at N7840 Ridge Road, Parcel ID# 001-325-020-00**

**Chair LaCombe resumed the meeting opening the Seaberg hearing at 6:32 pm and called upon the Zoning Administrator to present the staff report.**

ZA Shields had prepared and distributed her staff report to the commissioners for their review in advance of the hearing. Instead of recapping that report, she opened with asking “Why are we here?”

From public comments and other comments overheard through time, it seemed there may be some misunderstanding as to why we were hearing this all again. ZA Shields went on to explain in hopes to clear up any misunderstandings. The original approval of December 14, 2023 was challenged in court. On July 24, 2024 Judge Rahilly VACATED the decision of the Planning Commission. To vacate a decision means to set aside or annul a previous judgement or order – to make it as though it never happened. In essence, sending it back to reheard as if new.

ZA Shields acknowledged that we’ve heard the statements made that the “Judge said he can’t use that road.” While she also acknowledged that the Judge did indeed give opinion on that issue, that her opinion was that it was just that, an opinion and not a ruling. ZA Shields went on to read from the order under “*Applicable Law*” whereas it states that “*MCR7.122(G)(2) controls*

*the appeal and the standards to be applied by this Court. (2) Other Appeals”, “...the court shall determine whether the decision was authorized by law and the findings were supported by competent, material, and substantial evidence on the whole record.” Also reading from the order in the paragraph describing substantial evidence “...under the constitutional and statutory standards of review, a reviewing court must ensure that the finding is supported by record evidence; however, the reviewing court does not conduct a new evidentiary hearing and reach its own factual conclusions, nor does the court subject the evidence to review de novo.”*

ZA Shields also commented on the Judge’s opinion where he stated *“The private road easement is for use only by owners of the benefitted parcels.”* In reading over the easement document, she stated she saw no such terminology. She did however see under item #4 Use of Easements *“The owners of the benefitted parcels shall use the easement only (emphasis added) for the purpose of an access roadway and placement of underground utilities to the benefitted parcel...”* which has a totally different inference.

ZA Shields also spoke of Discretionary Standards, defining discretionary as *“The right to decide something based on one’s own judgement.”* She acknowledged that the Zoning ordinance at the time of the original hearing had 8 discretionary standards and now with the amendments of October 30, 2025 there are only 4. She read from the Michigan Zoning and enabling act the requirements of the standards to ensure that while there were now less standards, they still cover the requirements of the MZEA.

As for the former standard #6 which read:

*“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”.*

Judge Rahilly stated that *“Because there is no public road and no private road entirely maintained by the Seaberg’s this standard cannot be met.”*

ZA Shields stated her opinion by saying this makes no sense. Standard #6 is speaking of essential public facilities and services. If this premise were to be held true, then anyone who lived on a private road requesting a conditional use would not be permitted one unless the road was entirely maintained by themselves and that has never been the case. Furthermore, the Commission has always looked at public facilities and services such as utilities, fire and ambulance access, trash management, etc.

ZA Shields stated that she was of the opinion that per the standards to be applied by the court (MCR7.122), Judge Rahilly wasn’t there to rule on anything other than if the hearing was held correctly, to which he found that the Planning Commission failed to incorporate a statement of findings and conclusions in its decision which not only violated the Au Train Zoning Ordinance, but also the Zoning Enabling Act. Because proper procedure was not followed it required a setting aside of the Commission’s decision, thus his decision to vacate.

ZA Shields also brought up the fact that the deeded easement agreement states that *“Each owner of a parcel of benefitted land shall be a member of an association of owners of the*

*benefited lands. That Association will be responsible for maintaining the easement.”* A search of State records in the LARA database did not reveal any such Association. So who dictates how the road is maintained? The easement agreement is also outdated. It lists the legal descriptions of the 7 benefited parcels, but boundary lines have changed, parcels split. Who is updating things?

ZA Shields also brought up a couple statements as found in the written public comments that she wanted to address for clarification. The first was in comments from Kristen Van Wieren quoting a portion of MCL 560-108, specifically 3(a) which states:

*“(a) Because of the establishment of 1 or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required.”*

ZA Shields pointed out that this is from part of the land division act and was taken out of context. If one were to read the section/subsection in its entirety, you would see that MCL 560-108 3(a) is referring to the allowance of two extra splits of the parent parcel if either, or both 108 3(a) and 108 3(b) apply. This does not relate to the issue at hand.

The last clarification made by ZA Shields was a mistake of fact found in the written comments of Attorney Adrienne Wolfe:

*"For reference, Mr. Seaberg has already requested that this planning commission approve a conditional use permit for a resort on his property on two occasions, on December 14, 2023 and August 18, 2024."*

*"In the first instance, the planning commission approved the permit but that decision was vacated by the Alger County Circuit Court. Then, on August 18, 2024, the planning commission rejected the revised application for a resort by Mr. Seaberg because his request violates the prohibition on more than one principal use on a parcel."*

Fact, there was a third request and hearing held on December 18, 2024 as well which was rejected in the end. The first sentence is correct. The decision was vacated by the Alger County Circuit Court. The second sentence though, is incorrect. On August 18, 2024 the application was rejected as it did not meet the site plan Section 1006 Item #5 of the zoning ordinance. In the third hearing held on December 18, 2024 the application was rejected because of more than one principal use on the parcel.

ZA Shields closed her comments by saying that the task before the planning commission is not an easy one. Since the time of the original hearing, a lot has changed. Split zoning exists that now causes further problems. As of the original hearing the district of Rural Residential one/two (RR 1/2) conditionally allowed for Resorts. The use of resort was removed from RR1/2 with the October 30, 2025 amendments. There also exists multiple principal uses on the parcel. The Commission shall have to examine all parts of this issue carefully.

**Chair LaCombe opened the floor to the applicant to present their request.**

Mr. Seaberg stated that he felt that ZA Shields covered all the basics. He thought she did a really good job with the report and put a lot of homework into it. He stated he hoped that he got a

chance to finish the resort. He realized that the Commission had to make a decision one way or another, but he is hoping that he doesn't have to move it or take it all out.

**Chair LaCombe opened the floor to public comments.**

Bob DesArmo addressed the Commission stating that at the first meeting there was a discussion about a resort or hotel/motel needing public access for ingress and egress. There's not been any conversation on that again and he doesn't see where that requirement has changed. He urged the commission to check on the Michigan statutes on that.

Adrienne Wolfe commented on ZA Shields comments stating that she clearly had researched this and she particularly appreciated the date correction. Ms. Wolfe referred back to the December 14, 2024 hearing which had a slightly revised plan with fewer cabins. She went on that, at that meeting Mr. Nordeen, representing the Township stated then that you should have a complete site plan first, rather than approving an application with conditions. She quoted the minutes of that hearing stating that Ms. Shields stated technically this all should have been done right before it ever came to the Commission for hearing. At that hearing the application also did not pass. Ms. Wolfe stated that she didn't feel that the Commission even needed to get into the 802 standards as there is already four reasons why this application cannot pass, though they should still make those findings. Ms. Wolfe stated that with all due respect to Ms. Shields, the doctrine in the law called "Collateral Estoppel" does in fact give binding effect to Judge Rahilly's findings. She stated that Mr. Seaberg and the Township had the opportunity to appeal that decision, but they did not so those findings became final. That includes the inability to essentially meet what is now condition #3 in Section 802.

Ms. Wolfe then brought up the application and the parcel ID listed on it. She felt that the suggestion made in the staff report that you could somehow approve this with a condition that the resort parcel 20 be combined with the adjacent parcel 24 could not be approved. As a matter of law this parcel 20 is in zone RR1/RR2 which no longer allows short-term rentals.

Chair LaCombe alerted that Ms. Wolfe's 3 minute limit for the public comment has been reached.

Kristen Van Wieren provided public comment stating that the Courts has also ruled that the neighbor group in the room tonight were considered aggrieved parties meaning that they are individuals whose legal rights have been directly affected. So that is Michigan case law now. Ms. VanWieren also stated that per Section 410, it does not allow for more than one conditional use on this parcel. She questioned why we were even having this hearing. Also, according to the October 30<sup>th</sup> Amendment, resort and short-term rentals are no longer allowed in Rural residential. She stated that a person would have to drive on Rural Residential road to get to the resort. Again, she is questioning why we are even having this hearing. Ms. VanWieren also stated that if we get to the 802 standards, the first one speaks of health, safety, and welfare. Webster's defines welfare as a general state of health, happiness and prosperity of a person or group. Compatible is defined as being able to exist together in harmony. She stated that its anything but. Loose dogs running after us, short-term renters coming all the way back to their house in the dark at least once per month. Then there is the ratio. There would be 40 people in a resort to five property-owning residents on the private road, or 40 persons in the resort to 19 people on the entire Ridge Road. Looking at that ratio, that is not harmony or happiness.

Secretary Free presented the written comments.

Kristen Van Wieren also provided written comments ahead of the hearing which spoke of the 802 standards not being met and the burden on the private road and vandalism experienced.

Dan & Phyllis LaCombe presented written comments stating concerns over the number of people the resort would bring and how it would change the character of the neighborhood and have a great impact on the road.

Attorney Adrienne Wolfe provided written comments along with supporting documents from previous hearings and the Judge Rahilly's decision of July 24, 2024.

**Chair LaCombe closed the public hearing at 6:57 pm and the Commission moved into discussion.**

Cadwell spoke of the fact that he had not been on the Board for the past hearings and the amount of "data dump" received meant a lot of catch up was required. It would have been nice to have our Attorney Nordeen present at this hearing to bounce a few things off. He also questioned the term Attorney Wolfe used "Collateral Estoppel" not being sure of its meaning.

Discussion also took place around the road itself. There had been discussion in previous hearings about the possibility of entering from M28, but that would require a bridge to be built over a ravine as EGLE would not allow for a simple culvert. There was also talk of how the acquisition of the Cross property might give way to access even if Mr. Seaberg had to widen the road so that it all was on that burdened parcel, however that turned out to not be feasible as all the utilities are buried on that north side of the road.

Mr. Seaberg also stated that when the original hearing was held, he did not have the condition use of Hobby Farm, or Contractor's Yard. Those came after but at a time when the Township didn't understand that those conditional uses were also principal uses. That understanding came just prior to the December 18, 2024 hearing as it was clarified by CUPPAD.

The boundary line adjustment was discussed again, but having the split zoning still presents a problem, as that would almost surely need to be fixed first and even though the zoning ordinance states that we strive to have the zoning districts follow parcel boundaries, there's no guarantee that the rezoning would even be approved or when.

Carr stated that he felt they needed to make a decision one way or another. Cadwell voiced concerns over the other problem of parcel 24 versus 20, it really would have been nice to have a dialogue (with Nordeen.)

ZA Shields also mentioned that the parcel once was operated as a resort many years ago going back as early as 1945, prior to zoning which would make it grandfathered. There is no record of request to remove the use of resort either. But it obviously hasn't been used as a resort for a long time.

There was also discussion about what uses and standards should apply to the application. Mr. Seaberg thought that it should be looked at for what the regulations and standards were when it was first heard, though ZA Shields indicated that's not the case. We have to look at it through today's regulations.

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

Motion by Cadwell, second by Carr to deny the use of resort for Wyatt Seaberg located at N7840 Ridge Road, Munising Parcel ID# 001-325-020-00 because multiple facets of the 802 standards are not met.

Roll Call Vote: Cadwell: Yes, Carr: Yes, Free: Yes, LaCombe: Abstain  
Motion carried 3-0

- **OLD BUSINESS** – None

- **NEW BUSINESS** –

- a Review of Minutes from Oberdorf Hearing December 18, 2024**

ZA Shields explained that she as Zoning Administrator had received an email from Shaun Vass requesting immediate revocation of the Conditional Use Permit for the Oberdorf's Short-term rental granted on December 18, 2024 based on Section 704 of the Zoning Ordinance. He felt that a material falsehood existed in the record whereas it states that the dumpster on Maple Grove Road is locked, when in fact it is not locked and never has been. This material falsehood warranted revocation of their permit.

ZA Shields responded to Mr. Vass explaining the procedure to revoke requires a hearing in front of the approving body, the Planning Commission. After reviewing the minutes of the hearing, she concluded that it was a statement made by the planning commission themselves, not a falsehood provided by the applicant in order to sway a decision in their favor. This was a mistake of fact.

Mr. Vass then sent an email titled "Formal Demand" per Michigan Open Meetings Act (MCL 15.269) calling for a correction to the minutes to show the dumpster is not locked. Additionally, he called for a correction to the minutes to show the correct status of the road as the parcel is accessed via a private road. He also added the demand that this issue be listed as a line item on the agenda of the Planning Commission meeting scheduled for May 14, 2026.

ZA Shields went on to explain that minutes cannot be corrected for they are a record of what was actually said or decisions made. The minutes are accurate as they stand. The facts though, are not correct so there could be an amendment made to the minutes, but the record of that amendment would be recorded in the minutes from this meeting today.

The Board discussed the fact that either of these corrections would not have altered the outcome of the decision. They were simply mistakes of fact. Mr. Oberdorf has confirmed that he uses a private road/driveway to access his parcel that directly connects to the County maintained Maple Grove Road. The Township itself has had meetings since the Oberdorf's STR was approved where the dumpster on Maple Grove Road has been discussed and it was stated in the record of those minutes that the dumpster is not locked, so it is a matter of record.

Motion by Carr, second by LaCombe: No Board Action. Motion carried.

- **CORRESPONDENCE/ANNOUNCEMENTS** – None
- **PUBLIC COMMENT** – Comments were heard from Wyatt Seaberg
- **ZONING ADMINISTRATOR COMMENT** – None
- **BOARD COMMENT** – None
- **NEXT MEETING** – May 28, 2026 Zoning Ordinance edit work session.
- **ADJOURN** – Motion by Cadwell, second by LaCombe to adjourn at 7:58pm. Motion Carried

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

Approved: May 28, 2026

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

Signed: \_\_\_\_\_ on file \_\_\_\_\_  
Alexandra Free - Secretary

**STATEMENT OF FINDINGS AND CONCLUSIONS**  
Conditional Use Hearing

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**Prepared by: D Shields, Recording Secretary**

**Parcel #: 001- 255-033-00**

**Date of Hearing: May 14, 2026**

**Applicant: Todd Kulik, Michelle Kroupa-Kulik**

**Owner: Todd Kulik**

**Address: N7111 Pioneer Trail, Au Train**

**District: LS/R1**

**Request: Short-term Rental**

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**FINDINGS OF FACT:**

**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 not interfere with the public health, safety, and welfare of adjacent property or Au Train Township.**

**Discussion:** There will be a maximum of four persons and one car. The use is similar to other uses in the area.

**Roll Call Vote:** LaCombe: Yes, Seaberg: Yes, Cadwell: Yes, Carr: Yes, Free: Yes

- 2. The conditional use shall be designed, constructed, operated, and maintained in a manner compatible with adjacent uses of land and the natural environment.**

**Discussion:** There are many rentals and summer uses in this river area already.

**Roll Call Vote:** Seaberg: Yes, LaCombe: Yes, Carr: Yes, Free: Yes, Cadwell: Yes

- 3. The conditional use shall be adequately served by, and not place demand on, essential public facilities and services in excess of current or planned capacity, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to adequately provide for the facilities and services deemed essential to the conditional use under consideration.**

**Discussion:** Area is serviced by all public facilities and services including trash pickup via tipper carts placed on Forest Lake Rd.

**Roll Call Vote:** Carr: Yes, Cadwell: Yes, LaCombe: Yes, Free: Yes, Seaberg: Yes

4. **The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of the Au Train Township Master Plan.**

**Discussion:** The use aligns with the Master Plan and the intent of Lakeshore and Rivers One zoning district.

**Roll Call Vote:** Free: Yes, Cadwell: Yes, LaCombe: Yes, Seaberg: Yes, Carr: Yes

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**APPROVED**

**APPROVED WITH CONDITIONS**

**DENIED**

**MOTION:** Motion by Carr, second by Cadwell to approve the use for a short-term rental for Todd & Michelle Kulik located at N7111 Pioneer Trail, Au Train Parcel ID# 001-255-033-00 The application is found to meet all requirements of the Au Train Township Zoning Ordinance, Section 802A - Basis of Determination General Standards.

**ROLL CALL:** Carr: Yes, Cadwell: Yes, Seaberg: Yes, Free: Yes, LaCombe: Yes  
Motion Carried 5-0

**STATEMENT OF FINDINGS AND CONCLUSIONS**  
Conditional Use Hearing

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**Prepared by: D Shields, Recording Secretary**

**Parcel #: 001-325-020-00**

**Date of Hearing: May 14, 2026**

**Applicant: Wyatt Seaberg      Owner: Same**

**Address: N7840 Ridge Road, Munising**

**District: TD / RR1/2      Request: Resort use**

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**FINDINGS OF FACT:**

**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 not interfere with the public health, safety, and welfare of adjacent property or Au Train Township.**

**Discussion:** Welfare and safety were concerns discussed. Having that many extra people who are unknown to the residents, and folks going off on the private road and ending up at someone's house were definite concerns.

**Roll Call Vote:** Carr: No, Cadwell: No, Free: No, LaCombe: Abstain

- 2. The conditional use shall be designed, constructed, operated, and maintained in a manner compatible with adjacent uses of land and the natural environment.**

**Discussion:** The use would not be compatible with the Rural Residential District as this use has been removed from the district.

**Roll Call Vote:** Cadwell: No, Free: No, Carr: No, LaCombe: Abstain

- 3. The conditional use shall be adequately served by, and not place demand on, essential public facilities and services in excess of current or planned capacity, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to adequately provide for the facilities and services deemed essential to the conditional use under consideration.**

**Discussion:** Discussion revolved around the extra amount of traffic the private road will see burdening the condition of the road.

**Roll Call Vote:** Carr: No, Free: No, Cadwell: No, LaCombe: Abstain

**4. The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of the Au Train Township Master Plan.**

**Discussion:** It was felt that it meets with the intent of the Masterplan, but not with the Ordinance and the incorrect zoning is adding to the problem with competing issues between the Master Plan and the Ordinance.

**Roll Call Vote:** Cadwell: No, Free: No, Carr: No, LaCombe: Abstain

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**APPROVED**

**APPROVED WITH CONDITIONS**

**DENIED**

**MOTION:** Motion by Cadwell, second by Carr to deny the use of resort for Wyatt Seaberg located at N7840 Ridge Road, Munising Parcel ID# 001-325-020-00 because multiple facets of the 802 standards are not met.

**ROLL CALL:** Cadwell: Yes, Carr: Yes, Free: Yes, LaCombe: Abstain  
Motion carried 3-0