

CHARTER TOWNSHIP OF MONITOR  
PLANNING COMMISSION MEETING  
JANUARY 4, 2022  
*\*Corrected*

The meeting was called to order by Chairman Jim Bellow at 7pm.

The Pledge of Allegiance was recited by all present.

Members present: J. Bellow, R. Campbell, A. Shabluk, B. Walsh, J. Meier, E. Rosenbrock,  
C. Schweitzer

Members absent: None

Also present: R. Sheppard, Attorney, R. J. Gorenflo, Planner

**Motion by Campbell, supported by Meier to adopt the agenda as presented.**

**Motion carried**

**Motion by Walsh supported by Shabluk to approve the minutes of the regular meeting.**

**Motion carried**

**Election of Officers**

Attorney R. Sheppard was present and presided over elections.

Nominations were opened for Chair, Vice-Chair and Secretary.

**Motion** by Rosenbrock, supported by Schweitzer to nominate Meier as Chair.

Shabluk objected to the nomination of Meier.

**Motion** by Walsh to re-elect Bellow as Chair, Shabluk as Vice-Chair and Schweitzer as Secretary.

**Sheppard took roll call vote for Chair nominations.**

**Yes, to Meier:** Rosenbrock, Meier, Schweitzer

**Yes, to Bellow:** Bellow, Shabluk, Walsh, Campbell

**Motion carried** to re-elect Bellow as Chair

**Motion** by Bellow, supported by Walsh to re-elect Shabluk as Vice-Chair.

**Motion** carried to re-elect Shabluk unanimous vote.

**Motion** by Walsh, supported by Shabluk to re-elect Schweitzer as Secretary.

**Motion** carried to re-elect Schweitzer unanimous vote.

Nominations closed. The officers elected accepted their respective offices and thereafter Bellow presided at the meeting as Chairman, Shabluk as Vice-Chair and Schweitzer as Secretary of the meeting.

## **Public Input**

Chairman Bellor opened public comment at 7:08 pm.

L. Horneber asked about revisions to Ordinance 67.

Bellor responded that it will be discussed tonight.

DeGrow, Monitor Township Building Inspector asked the Commission to review the sign ordinance, specifically electronic signs.

Public input closed at 7:10 pm

## **Items for Consideration**

### **Public Hearing**

09-100-019-300-030-00

130 Midland Road

Marilyn Datta, Representative of the Estate of Harley E. Kernstock, owner

Special Use/Land Division

Gorenflo provided a review of the request, memo dated 12/28/2021. Memo requests that the applicant provide additional information on the seven (7) accessory buildings. It was also suggested that some of the accessory buildings be removed. All the buildings do not meet the Township setback requirements.

Campbell questioned Special Use Considerations number two (2) on page three (3) of the memo.

Gorenflo provided clarification. "Main" should have read "may" on second sentence.

Sheppard reviewed Ordinance 67, Section 3.47 (b) (2) "However, in exceptional circumstances, the Planning Commission may permit up to five (5) accessory building (or a total of 4 accessory buildings when the residential dwelling unit has an attached garage) if the applicant can demonstrate that all structures are in good condition and are usable as part of a residential homestead."

Sheppard provided comments regarding the request, specifically on accessory buildings and the allowance of up to five (5) buildings and the need for restricted covenant regarding the nonconforming accessory buildings.

Sheppard also reviewed Ordinance 67, Section 3.47 (b) (10) requires the Building Inspector to provide a written report to the Planning Commission, providing his general opinion of the structure of the buildings and estimate of repairs to the Planning Commission for their review.

Sheppard explained the restrictive covenant that will need to be filed with the Register of Deeds. "Any purchaser of this property who buys the house is put on notice that the accessory buildings

are nonconforming and due to fire, wind storms, tornado, snow, act of God, they cannot be rebuilt.”

Sheppard suggests tabling this request for one month, to allow the building inspector to evaluate the accessory buildings to determine if any can be removed.

Discussion among the members continued regarding the detached garage and if it counted as an accessory building.

**Motion** by Bellor supported by Walsh to table the request until the building inspector can visit the property, and work with the Planner and Attorney to resolve issues.

Bellor asked Sheppard if the applicant can request a special meeting.

Sheppard said they could request a special meeting, but since they are tabling the request and this is a public hearing and the public hearing was closed, it would have to be set for a specific date.

Bellor asked if there was a better or a quicker way to do it

Sheppard suggested that the special use be granted on the condition that applicant comply with the five (5) building limit, based upon the building inspectors review of sound worthiness of the buildings and the building inspector’s determination as to whether the small structures are actually buildings or temporary structures.

Walsh withdrew his support for Bellor’s motion.

Bellor withdrew his motion.

**Motion** by Bellor, supported Walsh to approve the request based on the building inspectors review of sound worthiness of the buildings, compliance with the planner’s recommendations from memo dated December 28, 2021 and filing of the restrictive covenant with the Bay County Register of Deeds.

Campbell questioned the maximum height of building 7 that is in noncompliance.

Sheppard responded that building 7, meets the setback requirements and is acceptable under special use.

**Roll call vote:**

**Yes: Bellor, Schweitzer, Campbell, Walsh, Meier, Shabluk, Rosenbrock**

No: None

Absent: None

**Motion carried**

**Public Hearing**

09-100-006-400-050-00

451-Wheeler  
Steve Bujalski  
Special Use/Land Division

Gorenflo provided input regarding the request, memo dated 12/29/21. It has been recommended to approve the request, based on conditions outlined in the memo.

Sheppard agreed with recommendations of the Planner. Sheppard recommends approval based on compliance with recommendations.

Bellor asked DeGrow if he could visit the property and evaluate the accessory buildings.

DeGrow replied, "Yes"

**Motion** by Rosenbrock, *supported by Schweitzer\** to approve the request, based on compliance with the recommendations of the Planner from memo dated December 29, 2021, waive the building inspection requirements due to Planning Commissions familiarity with the building and complete the filing of the restrictive covenant with the Bay County Register of Deeds.

**Roll call vote:**

**Yes: Bellor, Schweitzer, Campbell, Walsh, Meier, Shabluk, Rosenbrock**

No: None

Absent: None

**Motion carried**

**Reports**

**Policy discussion-proposed amendments to Ordinance 67**

Gorenflo provided a review of the memo dated December 28, 2021. Proposed changes to accessory structures, yard encroachments, side yards, rear yards and proposed changes to chart.

Condition #5 on chart-side and rear yard setbacks of 10 foot or 15 foot needs to be determined by the Planning Commission. The Zoning Administrator should be responsible to assure that requirements are being met.

Bellor said he will talk with the Supervisor regarding this.

Rosenbrock recommends 15-foot setback.

Shabluk recommends 10-foot setback.

Gorenflo said he felt that 10-foot setback would be sufficient.

Planning Commission members agreed on 10-foot setback.

Gorenflo provided a review of the recommendations on yard encroachments regarding side yard/rear yard.

**Motion** by Walsh, supported by Shabluk to authorize public hearing be set regarding the recommended revisions as presented and agreed upon (10-foot minimum setback on up to 28,000 square feet lot size, 15 feet for remaining categories. Public hearing to be set for February 14, 2022.

**Motion carried.**

**Communications**

**Campbell acknowledged receipt of Communications.**

**Motion by Shabluk supported by Campbell to adjourn.**

**Motion carried.**

Meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Connie Schweitzer  
Secretary  
CS/djp