

**ZONING BOARD OF APPEALS
TOWNSHIP OF ONTWA – COUNTY OF CASS**

**AGENDA FOR ZONING BOARD OF APPEALS HELD ON
TUESDAY
NOVEMBER 26, 2024
6:00 PM**

1. Pledge of Allegiance
2. Agenda Approval
3. Reading Approval of Past Minutes
 - a. Regular Meeting 05/28/24
4. New Business
 - a. Zoning Variance – Bruce Paczosa 23674 South Shore DR
5. Old Business
6. Public Comments
7. Announcements
8. Adjourn Meeting

Cc: Dawn Bolock – Zoning Administrator, Ontwa Township Zoning Board of Appeals members

**ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN**

NOTICE OF PUBLIC HEARING

Please take notice that the Ontwa Township Zoning Board of Appeals will hold a public hearing on **Tuesday, November 26, 2024, at 6:00 pm.**, at the Ontwa Township Hall located at 26225 US 12, Edwardsburg, MI 49112, to consider a variance request.

The request is summarized as follows:

- Allen Scott Construction, on behalf of Bruce Paczosa, has applied for a variance to allow for the reconstruction of a single family dwelling at 23674 South Shore Drive. The applicant is proposing to reconstruct the dwelling which does not meet the side yard setback requirements of the LR Lake Residential District. Therefore, a variance from the 20-foot minimum dwelling unit width requirement of Section 3.26, and the 10-foot side yard setback requirement of the LR district of Section 8.04, is requested.

Copies of the Township proposed variance request, the zoning ordinance, and the zoning map are available for public viewing during regular business hours at the Township Hall, 26225 US 12, Edwardsburg, MI 49112, or on the Township website: www.ontwatwp.org.

Written comments will be received from any interested persons by the Ontwa Township Clerk at the Ontwa Township Hall during regular business hours and may be further received by the Planning Commission during the public hearing. Oral comments will be taken during the hearing.

If you are planning to attend this hearing and are handicapped requiring any special assistance, please notify the Township Clerk by calling (269) 663-2347 as soon as possible.

Tina VanBelle
Ontwa Township Clerk

Application: ONT-14-090-070-016-00

Filing Fee _____

APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE

- Two copies of this application and two copies of supporting documents, as required below, must be completed in full and submitted to the Ontwa Township Zoning Administrator. Approval of this application is required before a Certificate of Zoning Compliance will be issued. It shall be unlawful to construct, enlarge, alter, or permit the use or occupancy of a building or structure or change the use of a building until a Certificate of Zoning Compliance has been issued by the Zoning Administrator.
- No excavation shall be initiated, no construction may begin, no building shall be erected, altered, moved, or razed, and no structural alterations (including but not limited to porches, decks, patios, terraces, and fences) shall be initiated until a Certificate of Zoning Compliance has been issued by the Zoning Administrator.
- The excavation for or erection of a building or structure, prior to the issuance of a Certificate of Zoning Compliance, is in violation of the **Ontwa Township Zoning Ordinance, Article XX**. References to "Section" and "Article" refer to the Zoning Ordinance and may not necessarily identify all parts that apply.
- If the Zoning Administrator shall find that any of the provisions of the Zoning Ordinance are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuation of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuation of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violations of, its provisions.

1. Applicant's Name: Allen Scott Construction Phone Number _____
 Address: 1189 Greenfield Ave Niles MI 49120
Street City State Zip
 Fax Number _____ Email Address bonnie@allenscott.net
2. Are You: Property Owner Owner's Agent Contract Purchaser Option Holder
3. Landowner's Name (if different than applicant): Bruce Paciosa Phone Number _____
4. Address: 23674 S. Shore Dr. Edwardsburg MI 49112
Street City State Zip
5. Street Address and/or Location of Request: 23674 S. Shore Drive
6. Parcel Identification Number (Tax I.D. No.): # 14-090-070-016-00
7. Is the property in: Platt Subdivision (Name: Cavin Cove)
8. Present Zoning of Parcel residential, lake Parcel Size _____
9. Compliance Permit is Applied for: Single Family Dwelling Two Family Dwelling
 Temporary Building or Structure Addition or Alteration Excavation
10. Deed restrictions, covenant restrictions, or public utilities on the property (attach additional materials if needed):
see attached materials
11. Description of proposed development (attach additional materials if needed):
see attached materials

The facts presented above and on the following page(s) are true and correct to the best of my knowledge.

Signature: Bonnie O. Bolin, ASC Date: 10-15-24

Type or Print Your Name Here: Bonnie O. Bolin, Allen Scott Construction

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it. I further agree to permit members of the Planning Commission, Township Board, and other authorized Township officials to enter the above-mentioned property.

Supporting Documents. Two copies of the items listed below must accompany this application form. Also, please include a receipt from the Health Department concerning septic system approval or a certificate from the Ontwa Township Sewer Board for sewer hook-up. Each supporting document must include the name and address of the applicant.

- Proof of ownership of the lot or premises.
- Location, dimensions, and size of the lot or premises.
- Either a Site Plan or a Plot Plan according to the provisions of Article XVI of the Zoning Ordinance.
- For all buildings, a written notice of acceptance from the Ontwa Township Sewer Board or a hook-up fee receipt is required if public sanitary sewer service is available or required by local or state law. If public sanitary sewer service is not available, a written report from the Cass County Health Department certifying the approval of a private septic system is required.
- When a public or private water supply system is required by law or proposed by the applicant, either a written notice of acceptance from the Cass County Health Department or other approval from applicable agencies is required. When use of a public water supply is available or required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.
- A drawing, at a scale of 1 inch equals 100 feet (1" = 100'), shall illustrate the location of the building or structure, the distance from all lot lines, the right-of-way of abutting streets, the location and number of parking spaces, and the location and type of use of buildings on adjacent land.
- The Zoning Administrator may require additional materials to aid in determining whether the proposed use, building, or structure complies with the Zoning Ordinance.

NOTE: This application, when completed, must be returned to the Ontwa Township Zoning Administrator, located in the Ontwa Township Hall. If you need more information or have questions concerning this application or fees, contact the Zoning Administrator. He is available at the Ontwa Township Hall on Mondays, Tuesdays, and Wednesday from 9:00am to 2:00pm and Saturdays from 9:00am to noon. He may also be reached by phone at the number above or at 269-663-2347 Monday through Friday from 10:00am to 4:00pm.

Rev 1/9/23

AFFIDAVIT

I (we) the undersigned affirm that the forgoing answers, statements and information and all attachments, are in all respects true and correct to the best of my (our) knowledge and belief. I (we) the undersigned understand that the Certificate of Zoning Compliance for, if granted, is issued on the representations made herein and that any Certificate of Zoning Compliance, Building Permit, or Certificate of Occupancy subsequently issued may be revoked because of any breach of representations or conditions, or because of the lack of continued conformance with zoning ordinance requirements.

I (we) the undersigned also understand properties containing an ADU may not contain a short-term rental, and that all applicable federal, state, and local regulations shall apply.

(Check one) Applicant(s) Property Owner(s) (if different from applicant)

Signature(s): Bonnie O. Polin, Asc Date: 10-15-24

Type or Print Your Name(s) Here: Bonnie O. Polin, Allen Scott Construction

NOTE: This application, when completed, must be returned to the Ontwa Township Zoning Administrator, located in the Ontwa Township Hall. If you need more information or have questions concerning this application or fees, contact the Zoning Administrator. He is available at the Ontwa Township Hall on Mondays, Tuesdays, and Wednesdays from 9:00am to 2:00pm. He may also be reached by phone at the number above or at (269) 663-2347.

FOR TOWNSHIP USE ONLY

Fee: _____ Date Paid: _____

Paid by: Cash Check Check #: _____ Fee paid with Building Permit: _____

Action Taken: Approved By: _____
 Denied By: Dawn Bolock

Comments: side setbacks are nonconforming

Request Number: _____

Filing Fee 585⁰⁰

APPLICATION FOR VARIANCE

1. Street Address and/or Location of Request: 23674 S. Shore Dr. Edwardsburg, MI 49112

2. Parcel Identification Number (Tax I.D. No.): # 14-090-070-016-00

3. Applicant's Name: Allen Scott Construction Phone Number _____

Address: 1189 Greenfield Ave Niles MI 49120
Street City State Zip

Fax Number _____ Email Address bonnie@allenscott.net

4. Are You: Property Owner Owner's Agent Contract Purchaser Option Holder

5. Applicant is being represented by: L. Scott Shrider Phone Number _____

Address: ASC 1189 Greenfield Ave Niles, MI 49120

6. Present Zoning of Parcel LR Present Use of Parcel residential

7. Check below for the item which a variance is being requested:

- Lot Coverage
- Lot Width
- Fence
- Height Requirements
- Sign
- Accessory Building Use
- Lot Size / Area
- Parking
- Landscaping
- Setbacks
- Other

8. Please state the reason(s) for the variance request and your intended uses:

The residential home use shall remain the same as previous
sfr with existing width and only slightly larger
length to accommodate a first floor master bedroom / bathroom
keeping existing distance from the lake as well.

The facts presented above and on the following page(s) are true and correct to the best of my knowledge.

Signature: Bonnie O. Bolin, ASC Date: 10-15-24

Type or Print Your Name Here: Bonnie O. Bolin, Allen Scott Construction

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it. I further agree to permit members of the Planning Commission, Township Board, and other authorized Township officials to enter the above-mentioned property.

Owner

Date

The following provisions of the Ontwa Township Zoning Ordinance (Section 21.07) must be met in if a variance is to be granted by the Zoning Administrator. Please respond to each of the four criteria as it pertains to the request.

- A. That the requested variance is not contrary to the public interest or to the intent and purpose of this Ordinance.

The reconstruction of the residence will be of same style and lesser size then neighboring homes both remodel and new construction in recent years. The overall floorplan will conform to lot area regulations, height and is connected to the municipal sewer system.

- B. That the requested variance is not necessitated by any self-created condition or action taken by the applicant or property owner.

The current residence does not conform the years revisions of local ordinances since founded. Request is to be able to work within the same small lot footprint to reconstruct with modern amenities and correct existing challenges they have had over 33 years of living here.

- C. That there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.

The new home will remain the same width as it is currently and keep the existing side lots lines. The newly constructed home will meet all municipal ordinance size requests of height, street setback, lake setback and sq ft coverage.

- D. That the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district. Increased financial return shall not be deemed sufficient to warrant a variance.

This is the Paccosa family's primary retirement residence, the right to rebuild and to conform to comparable homes in the area. The ordinance as is does not allow space for a home at all.

AFFIDAVIT

I (we) the undersigned affirm that the forgoing answers, statements and information and all attachments, are in all respects true and correct to the best of my (our) knowledge and belief. I (we) the undersigned understand that the Certificate of Zoning Compliance for, if granted, is issued on the representations made herein and that any Certificate of Zoning Compliance, Building Permit, or Certificate of Occupancy subsequently issued may be revoked because of any breach of representations or conditions, or because of the lack of continued conformance with zoning ordinance requirements.

I (we) the undersigned also understand properties containing an ADU may not contain a short-term rental, and that all applicable federal, state, and local regulations shall apply.

(Check one) Applicant(s) Property Owner(s) (if different from applicant)

Signature(s): *Bonnie Bolin* , *ASC* Date: 10-15-24

Type or Print Your Name(s) Here: Bonnie B. Bolin, AllenScott Construction

NOTE: This application, when completed, must be returned to the Ontwa Township Zoning Administrator, located in the Ontwa Township Hall. If you need more information or have questions concerning this application or fees, contact the Zoning Administrator. He is available at the Ontwa Township Hall on Mondays, Tuesdays, and Wednesdays from 9:00am to 2:00pm. He may also be reached by phone at the number above or at (269) 663-2347.

FOR TOWNSHIP USE ONLY

Fee: _____ Date Paid: _____

Paid by: Cash Check Check #: _____ Fee paid with Building Permit: _____

Action Taken: Approved By: *Dawn Bolock*

Denied By: _____

Comments: _____

MICHIGAN PROPERTY SURVEY

COMPANY ORDERED BY: ALLEN SCOTT CONSTRUCTION
 CONTACT PERSON: BONNIE BOLIN
 FIELD WORK DATE: 09/23/2024
 PROJECT NO.: 240238

DRAWN BY: JSG
 BUYER: N/A
 REVISED DATE: N/A
 ADDRESS: 23674 SOUTH SHORE DRIVE
 EDWARDSBURG MICHIGAN

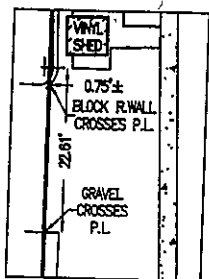
LEGEND

- FOUND MONUMENT
- SET MONUMENT
- FOUND IRON
- SET IRON
- ▽ FOUND PK NAIL
- ▲ SET PK NAIL
- × FOUND CROSS
- ✕ SET CROSS
- ⊙ SET LINE STAKE
- ⊞ SET WOODEN HUB

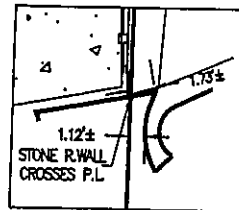
BASIS OF BEARINGS FOR THIS SURVEY IS USING GEODETIC NORTH (GPS OBSERVATION)

LEGAL DESCRIPTION:

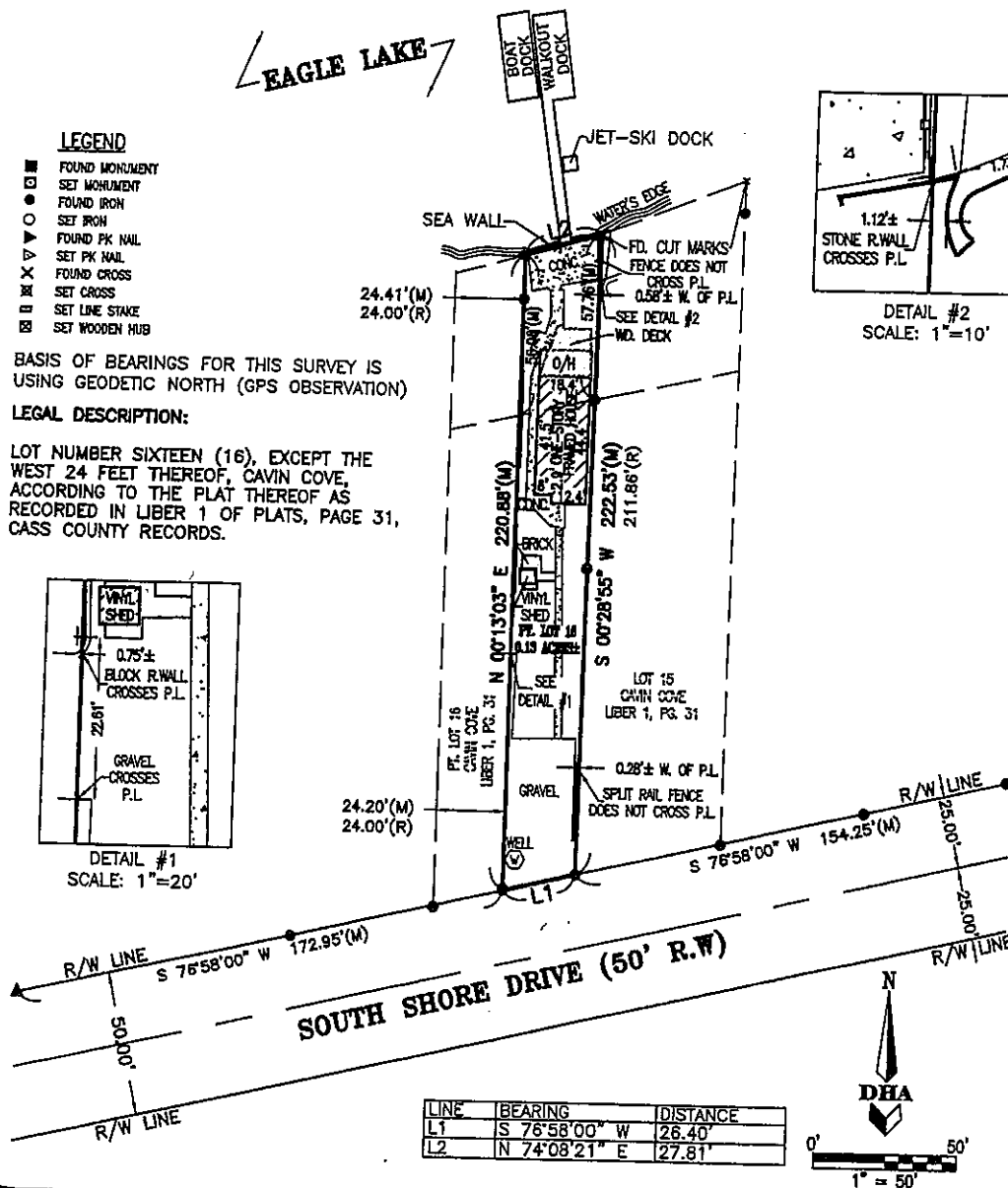
LOT NUMBER SIXTEEN (16), EXCEPT THE WEST 24 FEET THEREOF, CAVIN COVE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 1 OF PLATS, PAGE 31, CASS COUNTY RECORDS.



DETAIL #1
SCALE: 1"=20'



DETAIL #2
SCALE: 1"=10'

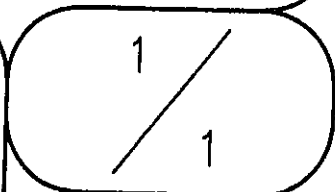


LINE	BEARING	DISTANCE
L1	S 76°58'00" W	26.40'
L2	N 74°08'21" E	27.81'

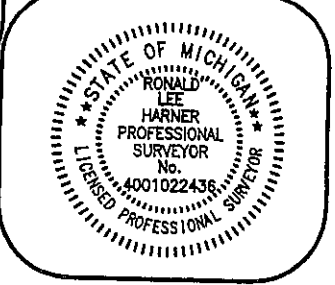
TO: ALLEN SCOTT CONSTRUCTION

I, the undersigned am a Registered Land Surveyor in the State of Michigan and hereby certify that I have surveyed the Lands hereon described and delineated: That a FIELD ERROR OF CLOSURE was no greater than 1 in 5,000; That the attached plat is a true representation of said survey; That there are no encroachments other than as shown.

Ronald Lee Harner
 Ronald Lee Harner P.S. #4001022436



Danch Harner & Associates, Inc.
 Land Surveyors • Professional Engineers
 Landscape Architects • Land Planners
www.danchharner.com
 Office: 269-471-3010 • Fax: 269-471-7237
 208 W. Main Street • Berrien Springs, MI 49103
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04-03-2002 11:21:57

Ann L. Simmons
REGISTER OF DEEDS

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That Keith D. Dennis and Carol A. Dennis, husband and wife as tenants by the entirety, an undivided one-half interest, whose address is 23182 South Shore Drive, Edwardsburg, Michigan 49112, and Bruce Paczosa and Nancy Paczosa, husband and wife as tenants by the entirety, an undivided one-half interest, whose address is 12 Silo Ridge West, Orland Park, Illinois 60462, as tenants in common

RELEASE(S) AND QUIT-CLAIM(S) to Bruce Paczosa and Nancy Paczosa, husband and wife as tenants by the entirety, whose address is 12 Silo Ridge West, Orland Park, Illinois 60462, the premises situated in the County of Cass, State of Michigan, described as:

Lot number Sixteen (16), except the West 24 feet thereof, Cavin Cove, according to the plat thereof as recorded in Liber 1 of Plats, page 31, Cass County Records.

and more commonly known as 23674 South Shore Drive, Edwardsburg, MI 49112, for the sum of less than One Hundred Dollars (100.00), subject to covenants, restrictions and easements of record and further subject to the lien of taxes not yet due and payable.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated contains may be used and are protected by the Michigan Right to Farm Act.

DATED this 24th day of MARCH, 2002.

Signed in the presence of:

Leslie Hitchcock
Printed Name: LESLIE HITCHCOCK

Pamela D. Putt
Printed Name: PAMELA D. PUTT

Keith D. Dennis
Keith D. Dennis

Carol A. Dennis
Carol A. Dennis

Bruce Paczosa
Bruce Paczosa

Nancy Paczosa
Nancy Paczosa

State of Indiana, County of St. Joseph ss:

The foregoing instrument was acknowledged before me in St. Joseph County, Indiana, on the 24 day of March, 2002 by Keith D. Dennis and Carol A. Dennis, husband and wife as tenants by the entirety, an undivided one-half interest, and Bruce Paczosa and Nancy Paczosa, husband and wife as tenants by the entirety, an undivided one-half interest, as tenants in common.

My Commission Expires: 7-6-2007

Michele M. Charter
Signature of Notary Public

Michele M. Charter
Printed Name of Notary Public

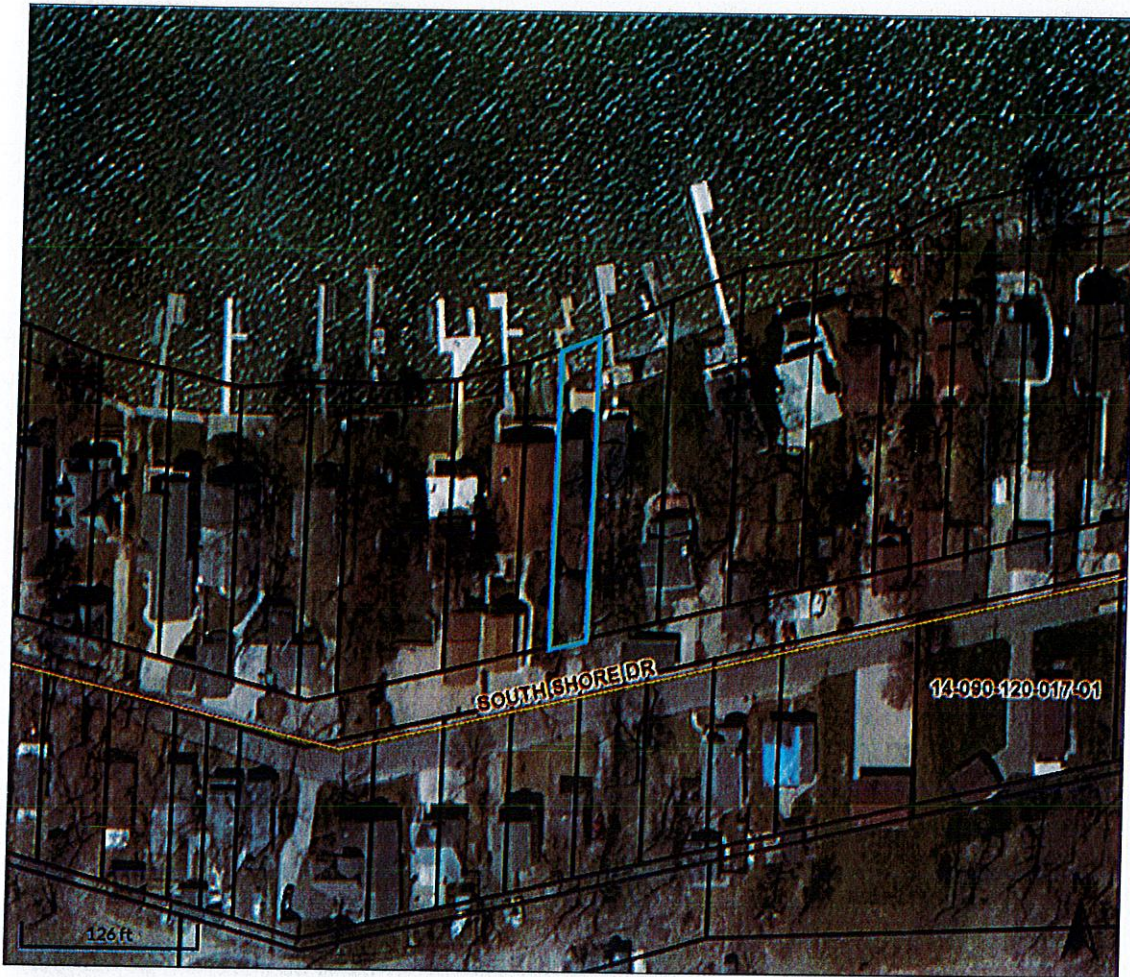
St. Joseph County, State of Indiana
Notary Public, County and State of Residence

NO TITLE OPINION IS RENDERED BY THE DRAFTER AND/OR SCRIVENER OF THIS INSTRUMENT. NO OPINION IS EXPRESSED AS TO THE RIGHT TO SPLIT THIS PARCEL, AS TO THE NUMBER OF SPLIT RIGHTS APPLICABLE TO THIS PARCEL OR THE NUMBER OF SPLIT RIGHTS RETAINED BY THE REMAINING PARCEL, IF ANY.

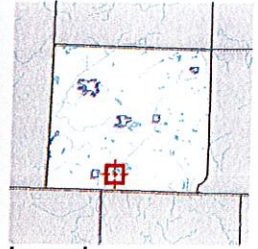
Drafted by and when recorded return to:
Edward W. Hardig, Jr., Attorney-at-Law IN#19199-71/MI#P60319.
405 S. Second St., Ste. 100, Elkhart, IN 46516
Tax Parcel No. 14-090-000-798-00

Send subsequent tax bills to:
12 SILO RIDGE WEST
ORLAND PARK, ILLINOIS
60462

14-090-070-010-00 #



Overview



Legend

- Municipalities
- Townships
- Roads
 - CITY/VILLAGE LOCAL
 - CITY/VILLAGE MAJOR
 - COUNTY LOCAL
 - COUNTY PRIMARY
 - FEDERAL TRUNKLINE
 - STATE TRUNKLINE
 - <all other values>
- Parcels
- Parcel Numbers

Parcel ID	14-090-070-016-00	Alternate ID	n/a	Owner Address	PACZOSA BRUCE P & NANCY L
Sec/Twp/Rng	070-08S-15W	Class	401 - RESIDENTIAL-IMPROVED		12 SILO RIDGE RD W
Property Address	23674 S SHORE DR	Acreage	0.14		ORLAND PARK, IL 60462
	EDWARDSBURG				
District	14030 EDWARDSBURG PUBLIC SCHOOLS				
Brief Tax Description	0411 8S-15W LOT 16, EX W 24 FT THEREOF. CAVIN COVE				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 11/12/2024
 Last Data Uploaded: 11/12/2024 5:20:50 AM

Developed by **SCHNEIDER**
GEOSPATIAL

27 foot lot

