

ZONING BOARD OF APPEALS
Ontwa Township, Cass County, Michigan

Tuesday, November 7, 2023,
6:30 PM (EST)
Edwardsburg

Ontwa Township Hall
26225 US12,

Members Present: Jeff Brown – Chair, James Forlenza, Judy Kukla, Mike Vogel, Steven Foster, and Todd Haberland

Member Absent: None

Other Present: Dawn Bolock – assigned duties of zoning administrator.

The meeting was called to order by Chair Brown, followed by the Pledge of Allegiance.

Agenda Approval

Chair Brown requested a motion to approve agenda.

Motion made by Todd Haberland seconded by Mike Vogel to approve agenda as presented. All in favor, motion passes.

Approval of October 24, 2023, minutes.

Chair Brown requested motion to approve minutes. Motion made by Steve Foster and seconded by Mike Vogel to approve minutes as presented. All in favor motion passes.

New Business:

Zoning Variance – Property number 14-090-003-067-20

Applicant & Owner of Record: Brian Shier

Address of property: 68459 Lane Road, Edwardsburg

Zoning Administrator Report:

Notification of Public Hearing letters were mailed to seventeen property owners within 300 feet of said property.

Chair Brown read Public Hearing rules.

1. That the requested variance is not contrary to the public interest or to the intent and purpose of the Ordinance.
2. That the requested variance is not necessitated by any self-created condition or action taken by the applicant or property owner.
3. 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.
4. That the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

Public Hearing Opened:

Petitioner comments: Dennis Gaul

Public comments: No letters received.

In favor – No one spoke.

Opposed: April Hansen – 24786 North Shore Dr, has concerns in addition to slab, how will water runoff be addressed. She questioned if fill dirt would be brought in and will it change elevation. Will septic field be below ground.

Chair Brown requests motion to close public hearing.

Motion made by James Forlenza and seconded by Judy Kukla to close public hearing. All in favor motion passes.

Board discussion:

Todd Haberland – related there are ordinances prohibiting changes in elevation. Any more negative impact is not allowed.

Judy Kukla – stated it appears fill dirt is being brought in.

Steve Foster responded he has observed fill being brought in the past.

Jeff Brown stated he has multiple homes being built on slabs and he feels the slab is reasonable.

Todd Haberland related to board that the neighbors have basements. That radiant heat as mentioned in variance application does not require a slab. Hydrology tests or soil bearing tests can determine the need for a slab. The basis for the ordinance is to create sustainable housing. There is no basis to support variance absent tests and we should support the ordinance.

James Forlenza related you can build radiant heat with a crawl space. This is self-created.

Judy Kukla made a motion seconded by Mike Vogel to deny the application for variance as it does not meet standards of zoning ordinance. Roll call vote, all in favor motion to deny passes.

Public comments: none

Motion made by Todd Haberland seconded by James Forlenza to adjourn meeting. All in favor. Meeting adjourned at 7:30 PM.

Respectfully submitted,

Brigid Forlenza
Recording Secretary