

## **Ontwa Township Board of Trustees Meeting Minutes**

**April 14, 2025**

**www.ontwatwp.org**

**Call to Order:** The regular monthly meeting of the Ontwa Township Board was called to order by Supervisor Meryl Christensen at 6:00pm on April 14, 2025.

**Pledge of Allegiance:**

**Roll Call:** Supervisor Christensen, Clerk VanBelle, Treasurer Leist, Trustees Bolock and Marchetti were present. Trustee Stutsman arrived at 6:04pm and Trustee Kozinski was absent.

**Approval of Agenda:** Supervisor Christensen requested an amendment to the Agenda, by adding Garver Lake Fireworks as item #3 under new business and tax foreclosures as item #4 under new business. Trustee Bolock made a motion to approve the Agenda as amended, seconded by Treasurer Leist. All in favor, motion carried.

**Public Comment:** Documentation is attached from residents who addressed the Board.

**Approval of Consent Agenda:** Trustee Stutsman made a motion to approve the Consent Agenda, seconded by Trustee Marchetti. Motion carried on a roll call vote, 6 ayes, 0 nays, Trustee Kozinski was absent.

**Commissioner's Report:** Commissioner Marchetti, see attached document.

**Committee Board Reports:**

**Wastewater-Brigid Forlenza**

**Zoning-Trustee Bolock**

**Ambulance, Board, Buildings & Grounds, Planning Commission -Trustee Stutsman**

**Police-Trustee Marchetti**

**Adamsville Cemetery-Supervisor Christensen**

**Fire Board-Clerk VanBelle**

**Old Business: Elkhart Road Project**

**New Business:** Adamsville Cemetery Sexton Appointment, Appointment for Ambulance Board member, Garver Lake Fireworks permit, tax foreclosure properties

**Announcements:** Next regular Township Board meeting will be May 12<sup>th</sup>, Ambulance Board May 14<sup>th</sup>, Police Board May 8<sup>th</sup>, Wastewater Board April 23<sup>rd</sup>. The Township will be closed April 18 for Good Friday.

**Adjourn:** Trustee Stutsman made a motion to adjourn, seconded by Treasurer Leist. Meeting adjourned at 6:50pm

Respectfully submitted:

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Tina VanBelle, Ontwa Township Clerk

Date Approved: \_\_\_\_\_

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Linda Weaver, Recording Secretary

Timothy and Stacey Nasco  
23664 South Shore Drive  
Edwardsburg, MI 49112  
574-250-6280  
timnasco2658@gmail.com

April 14<sup>th</sup> 2025

Ontwa Township Board of Trustees  
Zoning Administrator/Building Inspector  
26225 US Highway 12  
Edwardsburg, MI 49112

Dear Ontwa Township Board of Trustees,

I am writing to formally file a complaint regarding unresponsive township services when met with my question regarding how the building permit 24172 was issued on 12/23/24 allowing a new home to be built from the foundation up on a permit to remodel after being denied by the ZBA on 11/26/24. My second complaint is that Dawn Bolock and Richard Yoder were not in compliance with the township's ordinances regarding the issuing of the building permit 24172. These two complaints have been affecting me and my neighborhood in Edwardsburg, Michigan on South Shore Drive.

- **Date and Time of Occurrence:** Start Date- 10/15/24- Present
- **Location:** 23674 South Shore Drive Edwardsburg, MI 49112
- 10/15/24- New Build Application denied
- 10/15/24- Application for variance applied for
- 11/26/24- Hearing on variance approval was denied
- 12/23/24- Permit 24172 issued to remodel in the same footprint
- New home size- 59 x 18'4" Sq FT 2124
- New home being built is over twice the size of the old house that was torn down including the foundation on a non-conforming lot.
- 1/6/25- Contacted Zoning Administrator- Dawn Bolock- in person to ask her how the permit to remodel and new build was issued, and demolition began 12/27/24. After the denial of the variance of the ZBA without a claim being filed to the Cass County Circuit Court within 30 days of the ZBA's denial by the property owner. Ontwa Township ordinance states that if an appeal was not filed to the Circuit Court no

permits or construction could take place within a six-month time frame of the ZBA's denial. Dawn Bolock had no response to our questions stated above except for the fact that she could not deny the property owner the right to build a house on their property.

- 1/17/24- Asked the same question via e-mail stated above to the Township Supervisor- Meryl Christianson and Building Inspector Richard Yoder. No response was received to the specific question stated above.
- 1/24/25- Email was sent to the Building Inspector, Zoning Administrator and Township Supervisor regarding the same question stated above. No response was received.
- 3/3/25- Email was sent to the Building Inspector, Zoning Administrator and Township Supervisor regarding the same question stated above. No response was received.
- 4/3/25- Met with the Zoning Administrator in person to discuss the same question stated above and no answer was given.
- 4/7/25/- Met with the Zoning Administrator in person to discuss the same question stated above and no answer was given.

This issue has persisted from 10/15/24 until the current date and despite any previous communication attempts that are all stated above, it has not been adequately addressed. All specific incidents are stated above with specific dates.

I respectfully request that the township investigate my complaint regarding unresponsive township services from Dawn Bolock, Meryl Christensen and Richard Yoder and take appropriate action to resolve the issue. I will expect a response within a reasonable time frame, as this situation continues to cause inconvenience and concern.

Please feel free to contact me at 574-250-6280 or [timnasco2658@gmail.com](mailto:timnasco2658@gmail.com) if further information is required.

Sincerely,  
Timothy and Stacey Nasco

23674 South Shore

**I want to talk about several concerns**

**Variance Process Article XXI Board of Appeals**

1. On 10-15-24 application of Variance Filed: The reason for variance was setbacks. This build did not have the required 10 foot setbacks.

The Narration included: "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.

Original Dimensions of the foundation: 18.4 x 44.4

New Dimensions: 18.0 x 60

2. Public hearing took place Nov. 26 and was unanimously denied for:
  - a. Drainage issues to the lake
  - b. Fire property dangers
  - c. Moving away from conforming
3. Section 21.18 Appeals of Decisions states:
  - a. The decision of Zoning Board of Appeals shall be final.
  - b. The aggrieved party shall have 30 days to appeal the decision to Cass County Circuit Court
  - c. In the event a petition to the Board is denied a new application may not be made for the same or similar request with in 6 months.

**The Method used to go around the Denial of Variance**

Today we have a 18 x 60 foundation not counting the extended porches on each end that is 18 inches from the property line which is closer than originally survey.

I thought maybe this was granted under Article XVIII Nonconforming uses , Buildings and Structures but this cannot be the case because Section 18.02 states that No Nonconforming use of any land or structure shall be enlarged or extended.

## **My Concerns**

The Township educated Allen Scott Construction on how to bypass the Variance Process. This is concerning because now the Township has to allow future builders who complete the same method.

The Township is aware that this build has created dangerous conditions and that a 25 foot lot cannot support a 5 bedroom 3 bath two story building.

I would like the Township to:

- a. Stop this build and have another public meeting with Board of Appeals
- b. I think that the 10 foot setbacks should be applied to the porches and decks as they are not part of the foundation of the house.
- c. Explain the method used to obtain the Remodel Permit that was issued December 23<sup>rd</sup>.

What is the point of these meetings if you don't have to answer any of our questions? We, the public, aren't allowed any input into these meetings. Tim and Richard were denied to be put on the Agenda and it's as if all our questions fall upon deaf ears.

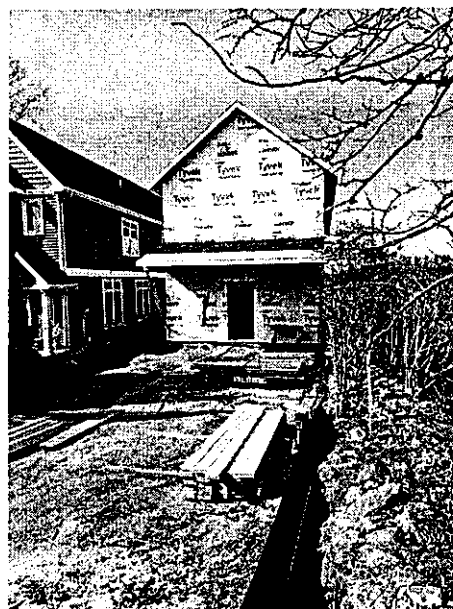
Why do we have ordinances if they are not enforced? There are two new buildings down S. Shore Dr. one that is classified as a demo/remodel the other is a demo/new home; both were completely demoed foundation and all. So which are they?

The ZBA unanimously denied a variance to Bruce and Nancy Paczosa. They elected to completely tear down their house for financial reasons not an act of God; They took out their foundation and everything to rebuild a new larger two-story home more than twice the original size and 18" from the Nasco residence totally against our ordinance. How did zoning approve this when it was denied in November by ZBA?

Zoning continues to create discord around the township then walks away and says it's a civil matter, in other words sue your neighbor if you don't like our decision. If any of you lived next door to this new construction I can guarantee it wouldn't have been allowed. Where is the concern for the health, safety and welfare of our neighborhood if a fire should occur?

I'd like to remind you of your duty & responsibility to the public and that is: "You took an oath of office to support the Constitution of the State and the Constitution of the United States to be a Public Servant for us and follow the laws of the Land." "You work for us; we don't work for you."

rickie



10/09/24 (Permit: 24138) R Yoder (issued a building permit to 23144 S. Shore Dr. under Paczosa name for a demo house permit. The address is incorrect and belongs to Mark Krcmaric where his house was also tore down and listed as a New Home (10/30/24 Permit 24154). This permit was for demo only not a remodel or new home.

10/15/24 Application Submitted for Zoning Compliance DENIED.

10/15/24 Application for Variance (Setbacks) APPROVED

11/20/24 (Permit: 25058) S&E issued a permit for a demo and NEW BUILD.

11/26/24 a Special Meeting by ZBA unanimously DENIED a zoning variance to Bruce & Nancy Paczosa 23674 S. Shore Dr.; Edwardsburg, MI 49112 (14-090-070-016-00) on their 21' nonconforming property. Previously to the demolition of Paczosa home there were two homes on one 50' lot and the board said this was one way to weed out nonconforming properties.

12/23/24 (Permit: 24172) (expires: 05/23/25) Work description states: Remodel in Same Foot Print and then has New Home size 59x18'4" sq ft 2124 and only 21" from the Nasco property line. The Variance Application asks for additional length not width. The original house built in 1930 had 940 sq ft. and 18' wide. They are now 4" closer to the homes beside them. Nonconforming homes are not allowed to rebuild in the state of Michigan once they voluntarily tear it down. The original house didn't have a basement and now they have added a 4' crawl space. Please note in the Variance Application D it states "The ordinance as is does not allow space for a home at all". Our township is busting their own ordinances. This permit was not placed for the public to view until 3/27/25.

12/27/24 Tree removal and interior removal began.

12/30/24 Home demo began.

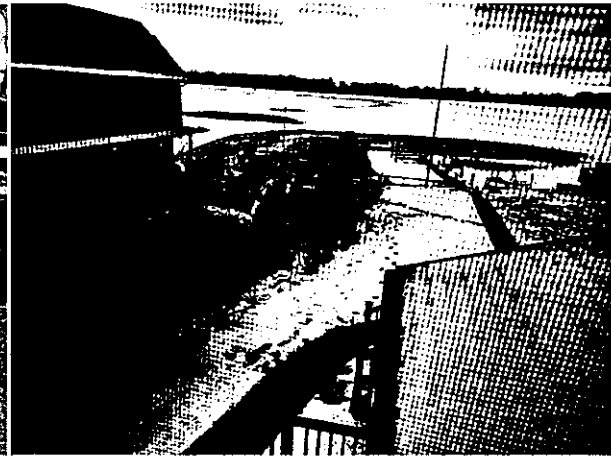


Section 18.05 RESTORATION AND REPAIR does not apply to Paczosa property as they voluntarily tore down their house due to foundation problems.

The variance remodel/new home noted concerns of current drainage issues and properties being too close for the fire department (21" from property lines). The township is allowing hazardous conditions on a very narrow space to the detriment of surrounding families. Where are the concerns for the health, safety and welfare of its residents? As of today (04/09/25) no inspections have been done on this site.



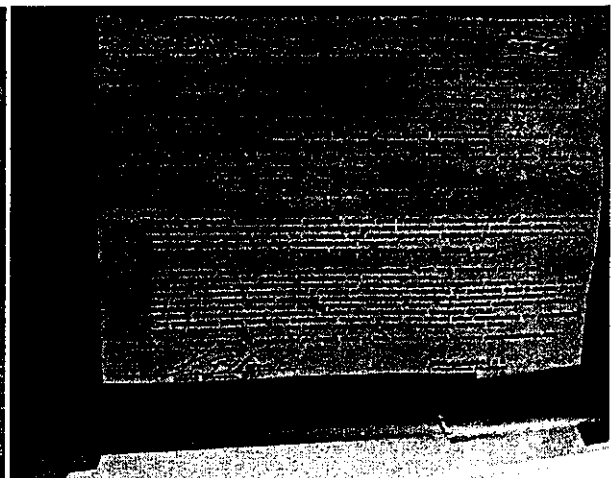
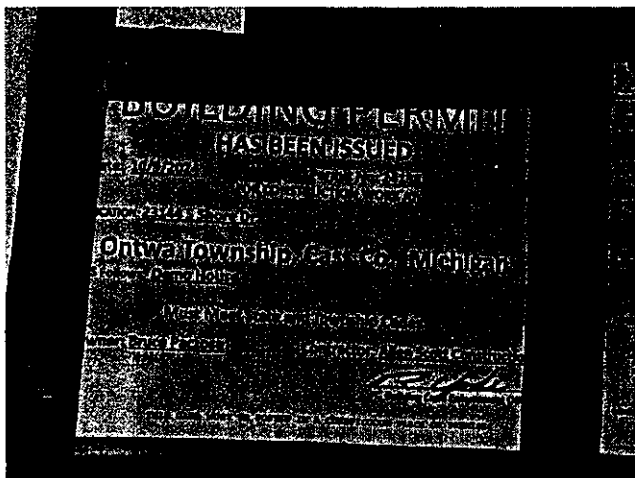
Blocking Permits Photo



Demo



Too close to property lines



Wrong Address Above: should be 23674 S Shore Dr. This address is for Mark Krcmaric.

Calhoun Township Building Permit No. 24172  
 Building Department Phone (269) 863-1347 Please call (269) 228-0145 for inspection 24 hours in advance  
 Location: 23674 S. Shore Dr.  
 Date Issued: 12/7/2024 Expires Date: 8/23/2026  
 Work Description: Remodel in Same Foot Print  
 New Home Size: 10018 sq ft Sq Ft: 2124  
 Property ID: 14-049-010-17-0-001 Is RESC Required: YES  
 Applicant: Contractor: Allen & Son Construction Owner of Record: Bruce & Penny Proctor  
 Instructions: Use Michigan Residential Code 2015  
 Zoning: Fee Schedule: Fee Basis: Fee Total:  
 1A: 500000 due  
 Invoice #: 24172  
 Permit Total: \$  
 Amount Paid: \$  
 Balance Due: \$  
 Building Inspector: Richard Yoder Richard Yoder  
 By signing this, you agree to call for all needed inspection, including the final inspection for all trades. Check # 7526  
 Applicant: [Signature]  
 I agree this permit is only for the work described and does not grant permission for additional or requires separate permits. I understand that this permit will expire and become null and void if work is not completed within 180 days at any time after the work has commenced; and, that I am responsible for ensuring inspections are requested in conformance with the applicable code. I hereby certify that the project is authorized by the owner, and that I am authorized by the owner, to make this application as required by the Michigan licensed contractors to perform any work for the project. All information on this permit is to the best of my knowledge.  
 \*\*\* POST THIS PERMIT SO IT IS VISIBLE FROM THE STREET \*\*\*  
 Inspection record  
 1. 2. 3.  
 5.  
 8.

Note:

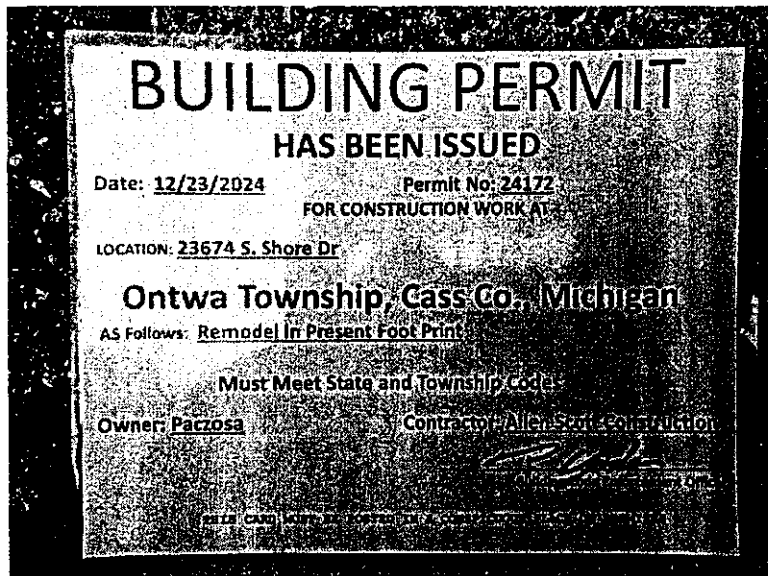
Remodel in Same Footprint.

Sq. Ft. 2124 (more than double home space. from 940 sq. ft.)

Fee Basis, Fee Total, Permit Total, Amount Paid have all been whited out. They are on the permit for a reason and the public is allowed to view this.

Permit is to be: \*\*\*Post This Permit So It Is Visible From The Street\*\*\* Trash cans, Port-a-pot is obstructing access to view all the permits.

No one from Ontwa Twp has been out to visit the new construction



This permit was not placed in the white "Permit Box" until 03/27/25 after the builder saw me look for all the permits the day prior. Then suddenly appeared the next day.



Why was this Building permit issued to Mark Krcmaric as a Demo/NEW HOME and Paczosa a Demo/Remodel in Present Footprint when both were complete teardowns and both are NEW CONSTRUCTION. Paczosa had nothing left to remodel but the earth.

THIS WAS NOT AN ACT of GOD,  
DESTROYED BY FIRE OR WIND  
THIS WAS ELECTIVE!!!

### SECTION 18.02. ENLARGEMENTS, MOVING, EXTENSIONS.

No nonconforming use of any land or structure shall be enlarged or extended. (Original home was 940 sq ft and now allowed 2124 sq ft.) House is longer, wider and taller trespassing past original 21" property line.

**SECTION 18.05. RESTORATION AND REPAIR. (As Amended 4/11/05)** All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made. **In the event any nonconforming building or structure is damaged or destroyed by fire, wind, Act of God, or public enemy,** it may be rebuilt or restored if the previous use remains the same. Any such restoration must be started within a period of one (1) year of the time of such damage and diligently prosecuted to completion.  
**Ontwa Township Zoning Ordinance XVIII-1 Nonconforming Uses**

THIS WAS NOT AN ACT of GOD,  
DESTROYED BY FIRE OR WIND  
THIS WAS ELECTIVE!!!

**SECTION 22A.09. APPEALS OF DECISIONS.** Any person, officer or public body aggrieved by a decision of the Township Planning Commission, excluding a decision on a special land use application, may appeal that decision to the Township Zoning Board of Appeals in accordance with the provisions of Section 21.06 herein. The date of the Planning Commission decision shall be the date of the meeting at which the minutes of the meeting at which the Planning Commission announced its decision(s) are approved. Decisions on special land use applications **may be appealed only to the Circuit Court** in accordance with the provisions of the Michigan Zoning Enabling Act.

**SECTION 21.18 APPEALS OF DECISIONS.** The decision of the Zoning Board of Appeals shall be final. A party aggrieved by, or any person having an interest affected by the decision of the Board of Appeals may appeal said decision to the **Circuit Court for the County of Cass as long as said appeal is filed in said court within thirty (30) days after the Zoning Board of Appeals** issues its decision in writing signed by the chairperson. Re-Applications: In the event a petition to the Board is denied, in whole or in part, a new application (i.e. reapplication) may not be made for the same or substantially similar request within six months of denial. A new application may be

submitted if the Zoning Administrator finds that the new plan is substantially different, or there is newly discovered evidence.  
Ontwa Township Zoning Ordinance XXI-6 Board of Appeals

**SECTION 21.08. VARIANCES PROHIBITED. (amended 6/13/16)**

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

**THEY ELECTED TO DEMO THEIR HOME BECAUSE OF FOUNDATION ISSUES. (Could have fixed foundation instead of a demo)**

**SECTION 21.07 VARIANCES.** Subject to the provisions of Section 21.08 of this Ordinance, and in addition to other duties and powers specified within this Ordinance, the Board of Appeals, **after public hearing, shall have the power to decide applications for variances:**  
(It does not state that Zoning and Building Departments may override Zoning Board of Appeals decision.)

Zoning Administrator has violated our townships ordinances. Why should we have ordinances if everyone can skirt around them? The majority of us here are year round residents and voted all of you in to office to protect our rights.

How would you feel if this nonconforming house was constructed next to your \$1M home and took away your \$1M view? Wouldn't you want to do something about it? Well we do too!

**ENFORCE OUR ORDINANCE/ZBA DECISION AND MAKE THEM REMOVE THEIR NONCONFORMING HOUSE!**



## March-April 2025 Report to Townships

The Board of Commissioners did not meet until April 10, 2025, which is after some township meetings. Here is a short report on some happenings. From the March 2025 Niles Area Transportation Study meeting: Shoulder widening for non-motorized use beginning at Edwardsburg at M-62 to Lane Road & Brady Road to Five Points, work to be done in 2026. From the Village of Edwardsburg to east of M-62 to Union, milling and one course asphalt in 2026

Applications for the administrator position were accepted until April 11, 2025.

The county planning commission has completed its review of the draft master plan. The next step will be the final plan and the 60 day comment period.

From the Prosecutor's Office: The annual victims' rights week flagpole ceremony was held Friday, April 11 at noon at the flagpole in front of the Law & Courts Building. At the ceremony we remembered victims lost to crime in Cass County.

CASA, Court Appointed Special Advocate held an open house in its office in the County Building Annex on April 11, 2025 from 2 to 4:00 pm.

I attended the MAC Legislative Conference in Lansing on April 7, 8 & 9. I was able to talk face to face with our Representative Steve Carra and our Senator Jonathan Lindsay. From the Conference we learned that there is already an item on ballot for Nov. 2026 and that is for voters to approve a Constitutional Convention. The last one was 16 years ago and the Michigan Constitution prescribes a con-con every 16 years and delegates to the convention are elected.

The regular meeting of the Board of Commissioners was April 10, 2025 and the Committee of the Whole will be April 17, 2025. Both meeting begin at 5:00 pm, and are held in the Commissioners Chambers on the third floor of the Administration Building. The public is welcome.