

NEW BUFFALO TOWNSHIP ZONING BOARD OF APPEALS

**NEW BUFFALO TOWNSHIP HALL
PUBLIC HEARING & REGULAR MEETING**

January 8, 2013

**17425 RED ARROW HIGHWAY
NEW BUFFALO, MICHIGAN 49117
269-469-1011**

The Meeting was called to order by the Chairman Ron Oselka at 10:05 A.M.
Roll Call: Board Members Present: Ron Oselka, Pete Rahm, Wanda Seals, - Absent: Ann McCafferty, Harold White, Wilburn Lawson

PUBLIC HEARING: #2013-01-01: Request of Brink Transfer Services regarding property tax number 11-13-0002-0001-00-6 located at 10679 US 12, New Buffalo, Michigan 49117. The request is for a 30 foot height variance to construct a 70 foot silo. The variance would allow a desired height at which gravity can be used to discharge the transfer silo, thus reducing noise.

Shawn Brink, co-owner with Brian Brink, presented on behalf of Brink Transfer Services. In effort to create a more efficient workflow in hopes of company expansion, the Brinks would like to build a 70 foot silo which would free up ground space as trucks would load under the silo verses beside them. This addition of this type of silo will speed up operations by 50%. Current truck average is 4 per day and would possibly increase to 8 during peak season.

Jerry Tamenko, neighboring property owner, supported the request of the applicants for variance.

PUBLIC HEARING: #2013-01-01 CLOSED at 10:25 A. M. Motion by Pete Rahm and seconded by Wanda Seals. VOTE - ALL YEAS.

REGULAR BUSINESS MEETING: Called to order at 10:25 A.M. by the Chairman.

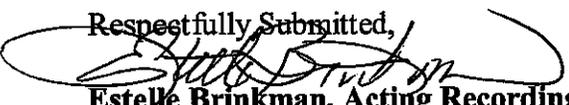
Motion by Pete Rahm, seconded by Wanda Seals, to approve the variance request as presented. Approval for Special Land Use is already in place. The location is ideal as it is located by I-94 and there are not many residential homes in the area.

Roll Call Vote: Yeas: Wanda Seals, Ron Oselka, Pete Rahm No: None

Motion by Pete Rahm and seconded by Wanda Seals to approve the minutes from the July 10, 12 public hearing as prepared by Carol Schmidt. VOTE: ALL YEAS.

A MOTION to ADJOURN the Regular Business was made by Pete Rahm and seconded by Wanda Seals at 10:30 A.M. VOTE: ALL YEAS.

Respectfully Submitted,


Estelle Brinkman, Acting Recording Secretary

immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties.

is () is not () met because: _____

8. Zoning Board of Appeals Decision:

The applicant's request for 30 ft height Variance variance
is granted (X) is not granted () is granted with the following conditions:
to construct a 70 foot silo.

_____ for the reason stated above.

10. Vote of ZBA Members

11. Signatures of ZBA Members:

(Yes) (No) Ron Oselka, Chairman

Ronnie P. Oselka

(Yes) (No) Ann McCafferty

Absent

(Yes) (No) Harold White

Absent

(Yes) (No) Pete Rahm

Pete Rahm

(Yes) (No) Wanda Seals

Wanda B. Seals

(Yes) (No) Wilburn Lawson

Absent

(Yes) (No)

I, Estelle Brinkman, recording secretary of the New Buffalo Township Zoning Board of Appeals, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this report.


Signature, Recording Secretary
Zoning Board of Appeals

NEW BUFFALO TOWNSHIP ZONING BOARD OF APPEALS
NEW BUFFALO TOWNSHIP HALL
PUBLIC HEARING & REGULAR MEETING
May 14, 2013
17425 RED ARROW HIGHWAY
NEW BUFFALO, MICHIGAN 49117
269-469-1011

The Meeting was called to order by the Chairman Ron Oselka at 10:05 A.M.
Roll Call: Board Members Present: Ron Oselka, Pete Rahm, Wanda Seals, Ann McCafferty, Harold White

PUBLIC HEARING: #2013-05-01: Request of Ann Krsul, representative for the property owners, regarding property tax number 11-13-2780-0086-01-7 located at 10308 Gordon Drive, Union Pier, Michigan 49129. The request is for variance to construct a 6 foot fence in the front yard and 16 ½ foot variance to construct a deck extension with a privacy canopy in the rear yard. (detailed in site plan provided by Studio/Gang/Architects dated 4/12/13)

Ann Krsul presented on behalf of her client and was joined by William Emmick and Stephen Claeys, both architects from Chicago. The variance request as presented is necessitated due to the high profile nature of their client's occupation. Visual privacy is required for safety. Vegetation and planters will be utilized to manage the impact on surrounding properties.

No mail correspondence was received.

Motion by Harold White and seconded by Wanda Seals to close the public hearing. Roll Call Vote: with all in favor.

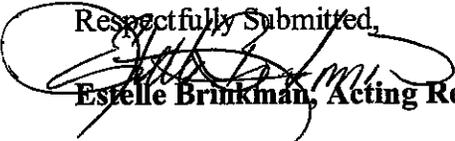
REGULAR BUSINESS MEETING:

Motion by Pete Rahm and seconded by Harold White to approve the variance as presented as it meets the conditions of the New Buffalo Township Zoning Ordinance Section 16.6 Variance Procedures B. Granting Non-Use Variances. Roll Call Vote: with all in favor.

Special meeting and public hearing schedule for next Tuesday, May 21, 2013 at 10 a.m.

A MOTION to ADJOURN the Regular Business was made by Pete Rahm and seconded by Harold White at 10:30 A.M. VOTE: ALL YEAS.

Respectfully Submitted,


Estelle Brinkman, Acting Recording Secretary

immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties.

is (X) is not () met because: _____

8. Zoning Board of Appeals Decision:

The applicant's request for 6' privacy fence in front yard and variance is granted (X) is not granted () 11 1/2' variance to construct deck extension & canopy in rear yard is granted with the following conditions: _____

for the reason stated above.

10. Vote of ZBA Members

11. Signatures of ZBA Members:

(Yes) (No) Ron Oselka, Chairman

Ronald P. Oselka

(Yes) (No) Ann McCafferty

Ann M. McCafferty

(Yes) (No) Harold White

Harold White

(Yes) (No) Pete Rahm

Pete Rahm

(Yes) (No) Wanda Seals

Wanda B. Seals

(Yes) (No)

I, Estelle Brinkman, recording secretary of the New Buffalo Township Zoning Board of Appeals, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this report.

Estelle Brinkman

Signature, Recording Secretary
Zoning Board of Appeals

NEW BUFFALO TOWNSHIP ZONING BOARD OF APPEALS
NEW BUFFALO TOWNSHIP HALL
PUBLIC HEARING & SPECIAL MEETING
May 21, 2013
17425 RED ARROW HIGHWAY
NEW BUFFALO, MICHIGAN 49117
269-469-1011

The Meeting was called to order by the Chairman Ron Oselka at 10:00 A.M.
Roll Call: Board Members Present: Ron Oselka, Pete Rahm, Wanda Seals, Ann McCafferty, Harold White

PUBLIC HEARING: #2013-05-02: Request of Brink Transfer Services regarding property tax number 11-13-0002-0001-00-6 located at 10679 US 12, New Buffalo, Michigan 49117. The request is for an additional 15 foot height variance to construct an 85 foot silo. Previous variance request was approved by the ZBA January 8, 2013.

Estelle Brinkman was asked to provide feedback from the Planning Commissioners that she had talked to on behalf of Ron Oselka, ZBA Chairman. Dan Coffey stated that is was in keeping with what the Planning Commissioners had discussed on previously proposed projects within the area. Joyce Mims stated that she felt that the Planning Commission should not have an influence on the ZBA decision making, that the ZBA should follow the requirements of the zoning ordinance.

Jerry Tomenko property owner directly north of 10679 US 12 was present in support of the variance request.

No mail correspondence was received.

Shawn Brink of Brink Transfer Services stated that the additional height was needed due to increase business demands for storage capacity. Brink answered concerns regarding dust and stated that it would not be an issue as the dust is contained via vacuum.

Pete Rahm asked about potential future expansion and the possibility of jobs. Applicant stated that there is a possibility but no immediate plans in the works.

Public Hearing Closed: 10:10 am.

REGULAR BUSINESS MEETING:

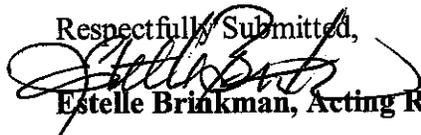
Motion by Pete Rahm and seconded by Wanda Seals to approve the variance as presented as it meets the conditions of the New Buffalo Township Zoning Ordinance Section 16.6 Variance Procedures B. Granting Non-Use Variances. Roll Call Vote: ALL YEAS.

Motion by Pete Rahm and seconded by Harold White to approve the minutes from the May 14, 2013 meeting. Roll Call Vote: ALL YEAS.

Next scheduled meeting to be held June 11, 2013 with 2 hearings on the agenda.

A MOTION to ADJOURN the Regular Business was made by Pete Rahm and seconded by Wanda Seals at 10:15 A.M. VOTE: ALL YEAS.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Estelle Brinkman", written over the typed name.

Estelle Brinkman, Acting Recording Secretary

immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties.

is () is not () met because: _____

8. Zoning Board of Appeals Decision:

The applicant's request for Additional 15ft height variance variance to construct an 85 foot Silo is granted (X) is not granted () is granted with the following conditions:

_____ for the reason stated above.

10. Vote of ZBA Members

(Yes) (No) Ron Oselka, Chairman

(Yes) (No) Ann McCafferty

(Yes) (No) Harold White

(Yes) (No) Pete Rahm

(Yes) (No) Wanda Seals

(Yes) (No)

(Yes) (No)

11. Signatures of ZBA Members:

Ronald P. Oselka

Ann McCafferty

Harold White

Pete Rahm

Wanda B. Seals

I, Estelle Brinkman, recording secretary of the New Buffalo Township Zoning Board of Appeals, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this report.

Estelle Brinkman

Signature, Recording Secretary
Zoning Board of Appeals

NEW BUFFALO TOWNSHIP ZONING BOARD OF APPEALS

NEW BUFFALO TOWNSHIP HALL

PUBLIC HEARING

June 11, 2013

17425 RED ARROW HIGHWAY

NEW BUFFALO, MICHIGAN 49117

269-469-1011

The Meeting was called to order by the Chairman Ron Oselka at 10:02 A.M.

Roll Call: Board Members Present: Ron Oselka, Ann McCafferty, Harold White, Pete Rahm, Wanda Seals.

PUBLIC HEARING: #2013-06-01: Request of Rob Gow & Chris Pfauser c/o Sally Taylor, Attorney with Passaro, Kahne & Taylor, regarding 11812 Riviera Drive, New Buffalo, Michigan 49117; described at property tax no. 11-13-4500-0237-01-5. The property owners seek a variance from the requirements of section 1.15, which requires a corner lot to have two front yard setbacks of 30ft. This property is a corner lot fronting both Riviera Drive and Galien Drive. Galien Drive, while platted in 1928, has never been improved. The request is for a 10ft setback for the card fronting Galien Drive.

Sally Taylor and Rob Gow were present. Ms. Taylor provided aerial views of the property. The aerials show boat docks close to the property line along Galien Drive. Original plat shows that Galien abuts the river. The Riviera Homeowners Association has no plans to improve that portion of the roadway. The property has a mound septic system in the rear of the home preventing additional building in that area. It was also mentioned that there is plenty of access for emergency personnel if necessary.

One (1) letter of support was provided by Sally Taylor from Mark Kroll. Letter was read and place on record.

One (1) letter of opposition submitted by Paul Szymanowski was read and place on record.

Ron Oselka asked about ownership of the roadway and boat slips. Rob Gow and Sally Taylor explained that the roadways are owned by the association.

Vacation of the roadway was discussed with the likelihood not a possibility.

Helen Jacobs of 11832 Marquette was present who did not oppose the variance request.

Public Hearing Closed

REGULAR BUSINESS MEETING:

Motion by Pete Rahm and seconded by Harold White to approve the variance for ZBA Case Number 2013-06-01 as presented as it meets the conditions of the New Buffalo Township Zoning Ordinance Section 16.6 Variance Procedures B. Granting Non-Use Variances. Roll Call Vote: ALL YEAS.

PUBLIC HEARING: Request of Albert Valavicius regarding 9435 Community Hall, Union Pier, Michigan, 49119 being property no. 11-13-0231-0007-03-5. The property owners are seeking a variance from Section 1.24 (B) Land Divisions-Limitations, requiring each parcel created by a land division to have a depth of not more than four times its width. Proposed land division will result in lot depths of approximately 35ft more than current limitations.

Owner was not present. Board members discussed the application. Granting the variance would bring two (2) non-conforming structures into compliance.

REGULAR BUSINESS MEETING:

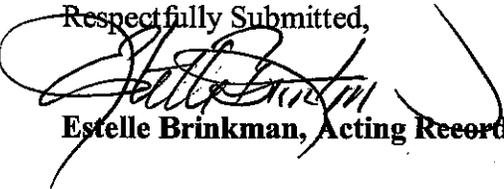
Motion by Ann McCafferty and seconded by Harold White to approve the variance for ZBA Case Number 2013-06-02 as presented as it meets the conditions of the New Buffalo Township Zoning Ordinance Section 16.6 Variance Procedures B. Granting Non-Use Variances. Roll Call Vote: ALL YEAS.

Motion by Harold White and seconded by Wanda Seals to approve the minutes from the May 21, 2013 meeting. Roll Call Vote: ALL YEAS.

Next scheduled meeting to be held July 9, 2013.

A MOTION to ADJOURN the Regular Business was made by Harold White and seconded by Wanda Seals at 10:30 A.M. VOTE: ALL YEAS.

Respectfully Submitted,


Estelle Brinkman, Acting Recording Secretary

Zoning Board of Appeals Decision: 2BA 2013-06-01

The applicant's request for 10ft setback yard fronting Galien variance is granted () is not granted () is granted with the following conditions:

Vote of ZBA Members

Signatures of ZBA Members:

(Yes) (No) Ron Oselka, Chairman

Ronald P. Oselka

(Yes) (No) Ann McCafferty

Ann McCafferty

(Yes) (No) Harold White

Harold White

(Yes) (No) Pete Rahm

Pete Rahm

(Yes) (No) Wanda Seals

Wanda B. Seals

(Yes) (No)

(Yes) (No)

I, Estelle Brinkman, recording secretary of the New Buffalo Township Zoning Board of Appeals, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this report.


Signature, Recording Secretary
Zoning Board of Appeals

Zoning Board of Appeals Decision: ZBA 2013-06-02

The applicant's request for 35ft lot depth more than variance
Current Limitations
is granted (X) is not granted () is granted with the following conditions:

Vote of ZBA Members

Signatures of ZBA Members:

(Yes) (No) Ron Oselka, Chairman

Ronald P. Oselka

(Yes) (No) Ann McCafferty

Ann M. Cafferty

(Yes) (No) Harold White

Harold White

(Yes) (No) Pete Rahm

Pete Rahm

(Yes) (No) Wanda Seals

Wanda B. Seals

(Yes) (No)

(Yes) (No)

I, Estelle Brinkman, recording secretary of the New Buffalo Township Zoning Board of Appeals, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this report.

Estelle Brinkman

Signature, Recording Secretary
Zoning Board of Appeals