

**NEW BUFFALO TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING/PUBLIC HEARING
May 13, 2025 10:30AM
17425 RED ARROW HIGHWAY
NEW BUFFALO, MI 49117**

1. ROLL CALL

Call to order @ 10:30am.

Roll Call: Rick Novacek, Traci Lauricella, Sue Rogers, Howard Males, Jerry Agema

Present: All Present

Absent: None

2. PUBLIC COMMENT- None

3. PUBLIC HEARINGS

Howard Males moved, to open the public hearing for Case Number 2024-08-01, Traci Lauricella second

MOTION: CARRIED

CASE NUMBER ZBA 2024-08-01 tabled from 3/11/25 ZBA meeting

The Zoning Board of Appeals will hear comments on the request of Chris Yerman for Interpretation of Zoning Ordinance regarding location of boundaries; provisions of Article 5, Section 455-5.22(K)(2); and Article 2, Section 455-2.2(J)(1)(a)-(c). Original request part of ZBA public hearing held August 13, 2024.

Applicant nor representative was present to discuss this request.

CORRESPONDENCE - None

PUBLIC COMMENT - None

Sue Rogers moved, to close the public hearing for Case Number 2024-08-01, Traci Lauricella second

MOTION: CARRIED

Howard Males moved, to open the public hearing for Case Number 2025-05-01, Sue Rogers second

MOTION: CARRIED

CASE NUMBER ZBA 2025-05-01

The Zoning Board of Appeals will hear comments on the request of Green Mountain New Buffalo LLC regarding the following property described as part of property tax no. 11-13-0015-0004-07-4 located at 11300 Holiday Drive, New Buffalo, MI 49117.

The applicant was previously granted variance for a total of 70 parking spaces December 10, 2024, the applicant is now requesting a variance to construct an additional 53 parking spaces.

Kevin Heffernan of Stonefield Design was present to speak on behalf of the applicant. Mr. Heffernan stated that projection in marketing has exceeded the initial parking request. In anticipation of customer demand and desire to limit impact on Holiday Drive the additional parking variance is being requested.

Howard Males asked about landscaping to which Kevin Heffernan responded that there are landscaping islands through out the parking lot and perimeter plantings along with one additional sidewalk being added.

Rick Novacek asked about the flow of parking with emergency personnel access. Discussion was held the possibility of one-way traffic; it was then decided that on-site signage though out may be a good solution.

CORRESPONDENCE None

PUBLIC COMMENT None

Sue Rogers moved, to close the public hearing for Case Number 2025-05-01, Traci Lauricella second

MOTION: CARRIED

4. BUSINESS SECTION

CASE NUMBER ZBA 2024-08-01 tabled from 3/11/25 ZBA meeting

The Zoning Board of Appeals will now consider the request of Chris Yerman for Interpretation of Zoning Ordinance regarding location of boundaries; provisions of Article 5, Section 455-5.22(K)(2); and Article 2, Section 455-2.2(J)(1)(a)-(c). Original request part of ZBA public hearing held August 13, 2024.

Township Attorney, Mike Homier, was present who provided information regarding the court appeal by the applicant regarding this case. Mr. Homier stated that the interpretation portion of the original request was remanded back to the ZBA for consideration. Further, the Township has since amended its ordinance essentially rendering this request moot. The Township Board denied the requested SLU and the applicant never filed an appeal on that denial. If the ZBA does provide interpretation it would not matter as the Township does not allow any additional marihuana establishments so new application could not be submitted.

Jerry Agema moved to postpone decision on Case Number ZBA 2024-08-01 until the June or July meeting, Sue Rogers second.

ROLL CALL VOTE:

Novacek	Yes
Lauricella	Yes
Rogers	Yes
Males	Yes
Agema	Yes

MOTION: CARRIED

CASE NUMBER ZBA 2025-05-01

The Zoning Board of Appeals will now consider the request of Green Mountain New Buffalo LLC regarding the following property described as part of property tax no. 11-13-0015-0004-07-4 located at 11300 Holiday Drive, New Buffalo, MI 49117.

The applicant was previously granted variance for a total of 70 parking spaces December 10, 2024, the applicant is now requesting a variance to construct an additional 53 parking spaces.

Condition 1: There are special conditions or circumstances peculiar to the property in question, which causes practical difficulty to the applicant and are not generally applicable to other properties in the same zoning district.

is () is not () met because: N/A

Condition 2: Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by the owners of other properties in the same district.

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

Condition 3: The special conditions or circumstances did not result from the actions of the applicant or applicant's predecessors in interest.

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

Condition 4: Granting the variance will not confer on the applicant any special privilege denied by this Ordinance to other lands, structures or buildings in the same district.

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

Condition 5: The variance shall be no greater than reasonably necessary.

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

Condition 6: Nonconforming use of neighboring lands, structures or buildings shall not be grounds for a variance, except that front yard setback requirements may be reduced to conform generally with other buildings on the same side of the block.

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

Condition 7: Increased financial return shall not by itself be grounds for a variance.

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

Condition 8: The variance will not be significantly detrimental to adjacent property, the surrounding neighborhood, public health, safety and welfare or the intent and purpose of this Ordinance.

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

Condition 9: The condition or situation of the specific piece of property for which the variance is sought is not so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties.

is () is not () met because: _____N/A_____

Howard Males moved to recommend approval with the following condition that safety signs including stop or otherwise be implemented as recommended by the applicant, Sue Rogers second.

ROLL CALL VOTE:

Novacek	Yes
Lauricella	Yes
Rogers	Yes
Males	Yes
Agema	Yes

MOTION: CARRIED

5. APPROVE MINUTES

Traci Lauricella moved to approve the minutes from the March 11, 2025 Regular Meeting, Sue Rogers second.


MOTION: CARRIED

6. ADJOURNMENT

Traci Lauricella moved to adjourn at 11:00 am, Howard Males second

MOTION: CARRIED

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Estelle Brinkman", written in a cursive style.

Estelle Brinkman
Acting Secretary
Zoning Board of Appeals