

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

1. ROLL CALL

Call to order 10:30am.

Present: Rick Novacek, Traci Lauricella, Howard Males, Jerry Agema

Absent: Sue Rogers

2. PUBLIC COMMENT

Ray Akrawi wanted to object to the upcoming variance request 2025-06-01 based of potential safety risk, unfair competitive advantage, and negative impact on the area.

3. PUBLIC HEARINGS

Howard Males moved, to open the public hearing for Case Number 2025-06-01 Traci Lauricella second

MOTION: CARRIED

CASE NUMBER ZBA 2025-06-01

The Zoning Board of Appeals will hear comments on the request of Joyology Inc. regarding the following property described as property tax no. 11-13-0019-0002-03-1 located at 19393 US 12; property tax no. 11-13-0019-0001-01-9 located at 19379 US 12; and property tax no. 11-13-0019-0001-06-0 located at 19367 US 12, all within New Buffalo, MI 49117.

The applicant is requesting a variance to construct parking in excess of 130% of the zoning standard to allow 67 extra spaces for a total of 82 parking spaces.

APPLICANT COMMENT

Gary Radtke presented on behalf of the applicant as engineer on the project. They are asking for a total of 82 parking spaces. MDOT has given approval for the entrance with the knowledge that there will be the additional parking as requested.

Howard Males asked about landscaping and sidewalks.

Gary Radtke stated the site plan includes sidewalks and ramps with good pedestrian walk ways and handicapped accessibility. In addition, 7% additional landscaping was provided, each island is landscaped.

CORRESPONDENCE None Received

PUBLIC COMMENT None – comment made prior to hearing

Howard Males moved, to close the public hearing for Case Number 2024-06-01 Tracie Lauricella second

MOTION: CARRIED

Howard Males moved, to open the public hearing for Case Number 2025-06-02 Traci Lauricella second

MOTION: CARRIED

CASE NUMBER ZBA 2025-06-02

The Zoning Board of Appeals will hear comments on the request of Walters Dimmick Petroleum regarding the following property described as property tax no. 11-13-0015-0007-09-0 located at 18913 Harbor Country Drive, New Buffalo, MI 49117.

The applicant is requesting a variance to allow parking spaces to be located within the required 10ft side yard.

APPLICANT COMMENT

Nick Zuehlke production manager for Walters Dimmick Petroleum was present to discuss the demolition and rebuild with expansion of the building, in addition they are adding extra fuel pumps expanding on what is already existing. Parking is being expanded with a drive along the back of the building for deliveries. Parking request is similar to that of McDonalds next door, with parking within the required 10ft side yard setback.

Howard Males asked about the retail portion if it would still be a convenience store. In addition, Males asked about the timing of the construction during peak summer season.

Nick Zuehlke stated there will be an increase in size of the convenience store. The build out is anticipated to take 77 days and is unfortunately driven by company wide project timing.

Rick Novacek asked if the 27ft for truck deliveries was enough to which Nick Zuehlke responded yes.

Traci Lauricella asked if the drive to the back was solely for deliveries again Nick Zuehlke's response was yes.

CORRESPONDENCE None Received

PUBLIC COMMENT None

Howard males moved, to close the public hearing for Case Number 2025-06-02 Jerry Agema second

MOTION: CARRIED

4. BUSINESS SECTION

CASE NUMBER ZBA 2025-06-01

The Zoning Board of Appeals considered the request of Joyology Inc. regarding the following property described as property tax no. 11-13-0019-0002-03-1 located at 19393 US 12; property tax no. 11-13-0019-0001-01-9 located at 19379 US 12; and property tax no. 11-13-0019-0001-06-0 located at 19367 US 12, all within New Buffalo, MI 49117.

The applicant is requesting a variance to construct parking in excess of 130% of the zoning standard to allow 67 extra spaces for a total of 82 parking spaces.

ZBA Findings of Fact:

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 (X) is not () met because: _____

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

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 _____

Motion (Please choose one)

Jerry Agema_moved to recommend approval as submitted Traci Lauricella second

ROLL CALL VOTE:

Novacek	Yes
Lauricella	Yes
Rogers	Absent
Males	Yes
Agema	Yes

MOTION: CARRIED

CASE NUMBER ZBA 2025-06-02

The Zoning Board of Appeals considered the request of Walters Dimmick Petroleum regarding the following property described as property tax no. 11-13-0015-0007-09-0 located at 18913 Harbor Country Drive, New Buffalo, MI 49117.

The applicant is requesting a variance to allow parking spaces to be located within the required 10ft side yard.

ZBA Findings of Fact:

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 (X) is not () met because: _____

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

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 _____

Motion (Please choose one)

Howard Males moved to recommend approval as submitted Jerry Agema second

ROLL CALL VOTE:

Novacek	Yes
Lauricella	Yes
Rogers	Absent
Males	Yes
Agema	Yes

MOTION: CARRIED

5. APPROVE MINUTES

Traci Lauricella moved, to approve the minutes from the May 13, 2025 Regular Meeting Jerry Agema second

MOTION: CARRIED

6. ADJOURNMENT

Traci Lauricella moved to adjourn at 10:58am Howard Males second

MOTION: CARRIED

Respectfully submitted,



Estelle Brinkman
Acting Recording Secretary ZBA



The Gateway of Michigan

Zoning Board of Appeals Decision

Hearing Number: 2025-06-01 Hearing Date: June 10, 2025

Applicant: Joyology Inc

Address: 19393 US 12, 19379 US 12, 19367 US 12, New Buffalo, MI 49117

The applicant is requesting a variance to construct parking in excess of 130% of the zoning standard to allow 67 extra spaces for a total of 82 parking spaces.

variance is granted () is not granted
() is granted with the following conditions: _____

Vote of ZBA Members

- (Yes) (No) Rick Novacek, Chairman
- (Yes) (No) Traci Lauricella, Vice Chair
- (Yes) (No) Sue Rogers
- (Yes) (No) Howard Males
- (Yes) (No) Jerry Agema

Signatures of ZBA Members

 Traci Lauricella
 Absent

 Jerry Agema

I, Estelle Brinkman, recording secretary of the New Buffalo Township Zoning Board of Appeals, certify that on this date: 6/10/25
I witnessed the signatures set forth above and attest to the accuracy of this reports.

Estelle Brinkman
Signature, Recording Secretary
Zoning Board of Appeals



The Gateway of Michigan

Zoning Board of Appeals Decision

Hearing Number: 2025-06-02 Hearing Date: June 10, 2025

Applicant: Walters Dimmick Petroleum

Address: 18913 Harbor Country Drive, New Buffalo, MI 49117

The applicant is requesting a variance to allow parking spaces to be located within the required 10ft side yard.

variance is granted is not granted

is granted with the following conditions: _____

Vote of ZBA Members

- (Yes) (No) Rick Novacek, Chairman
- (Yes) (No) Traci Lauricella, Vice Chair
- (Yes) (No) Sue Rogers
- (Yes) (No) Howard Males
- (Yes) (No) Jerry Agema

Signatures of ZBA Members

Absent

I, Estelle Brinkman, recording secretary of the New Buffalo Township Zoning Board of Appeals, certify that on this date: 6/10/25
 I witnessed the signatures set forth above and attest to the accuracy of this reports.

Estelle Brinkman
 Signature, Recording Secretary
 Zoning Board of Appeals