

**NEW BUFFALO TOWNSHIP ZONING BOARD OF APPEALS**  
**REGULAR MEETING/PUBLIC HEARING**  
**July 8, 2025 10:30AM**  
**17425 RED ARROW HIGHWAY**  
**NEW BUFFALO, MI 49117**

1. ROLL CALL

Call to order @ 10:30 am

Present: Rick Novacek, Sue Rogers, Howard Males, Jerry Agema

Absent: Traci Lauricella

2. PUBLIC COMMENT – None

3. PUBLIC HEARINGS

Howard Males moved, to open the public hearing for Case Number 2025-07-01  
Sue Rogers second

MOTION: CARRIED

CASE NUMBER ZBA 2025-07-01

The Zoning Board of Appeals will hear comments on the request of Shawnelle and Lyle Logan regarding the following property described as property tax no. 11-13-1850-0045-02-6 located at 11032 Marquette Drive and property tax no. 11-13-1850-0058-00-4 located at 11015 Garden Drive both within New Buffalo, MI 49117.

1. Building Addition - Front Yard Setback to be reduced from 30-ft to 15-ft.
2. Accessible Boardwalk - Side Yard Setback to be reduced from 10-ft to 0-ft.
3. Building Addition - Rear Yard Setback to be reduced from 25-ft to 5-ft.
4. Accessory Structure under 144 SF - Rear Yard Setback to be reduced from 10-ft to 7-ft.
5. Accessory Structure under 144 SF - Rear Yard Setback to be reduced from 10-ft to 8-ft and Side yard Setback to be reduced from 10-ft to 0-ft.
6. Building Addition - Rear Yard Setback to be reduced from 25-ft to 22-ft.
7. Accessory Structure under 144 SF - Side Yard Setback to be reduced from 10-ft to 1-ft.
8. Building Addition - Side Yard Setback to be reduced from 10-ft to 6-ft.
9. Lot Coverage - increase requested from 35% to 39% Proposed for 11032 Marquette
10. Lot Coverage - increase requested from 35% to 38% Proposed for 11015 Garden
11. Clearance between Structures - decrease allowed from 10-ft minimum to 7-ft

APPLICANT COMMENT

Tiffany Danielle, Danielle Architecture, spoke on behalf of the property owners. Shawnelle & Lyle Logan have resided in the area for over 25years and wants a forever home that they can age in place as well as accommodate their handicapped daughter. They own both homesites and need wheelchair accessibility.

CORRESPONDENCE

Tory Frangella @ 11023 Garden Drive – In favor of variance  
Jennifer Pastore @ 11016 Marquette Drive – In favor of variance

#### PUBLIC COMMENT

Holly Burger – no objection  
Sam Simmerman – asked about Marquette setbacks  
Kerry Shintani – has no objection to the front setbacks but opposed to landscaping in Warren Dr  
Shari Farnham – request is ok, but would like front steps reconsidered

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

MOTION: CARRIED

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

MOTION: CARRIED

Traci Lauricella arrived late to the meeting at 11:00am.

#### CASE NUMBER ZBA 2025-07-02

The Zoning Board of Appeals will hear comments on the request of Sam S. Simmerman regarding the following property described as property tax no. 11-13-1850-0151-01-2 located at 11042 Elmwood Dr., New Buffalo, MI 49117.

The applicant is requesting a 2ft height variance to construct a 6ft fence along Basswood Drive approximately 60ft in length. This parcel is considered a corner lot with front yards along Elmwood Drive and Basswood Drive.

#### APPLICANT COMMENT

Sam Simmerman was present to speak on behalf of his application. Mr. Simmerman stated that weather related damage was the reason for his request. A height variance is requested to provided visual relief and to mitigate dust from passing vehicles.

Howard Males asked about the appearance to which Simmerman explained that originally the area was vegetative, a white vinyl solid fence is now being proposed.

Jerry Agema asked if there were other 6ft fences with similar lots in the area, the answer was no

Traci Lauricella asked about placement and expressed concern for clear vision.

CORRESPONDENCE None

#### PUBLIC COMMENT

Laura Jolly – opposed to the variance

Kerry Shintani – opposed to the variance  
Patricia Lauber – opposed to the variance  
Tom Farnham – opposed to the variance

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

MOTION: CARRIED

#### 4. BUSINESS SECTION

CASE NUMBER ZBA 2024-08-01 decision postponed 5/13/25 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.

##### Article 5, Section 455-5.22(K)(2)

A facility or establishment may not be on a parcel that abuts the R-1, R-2, Ag-R or MR Zoning Districts within the Township. For purposes of this subsection, a parcel does not abut a zoning district if a railroad or state highway separates the parcel from the zoning district.

##### Article 2, Section 455-2.2(J)(a)-(c)

Marihuana Business Overlay District (M). This Overlay District is intended provide suitable locations for medical marihuana facilities and adult-use marihuana establishments that are otherwise authorized under state law and the Township's Code of Ordinances and Zoning Ordinance, taking into account neighboring land uses, natural resources, and quiet, comfort, and repose of the community.

##### (1)

The Marihuana Business Overlay Zone overlays existing zoning districts delineated on the official New Buffalo Township Zoning Map. The boundaries of the Marihuana Business Overlay Zone are depicted on Map A, incorporated herein by reference,<sup>121</sup> and are generally described as follows:

##### (a)

Provisioning centers/retailers and microbusinesses are permitted as special land uses in the portions of the C-1 and Industrial Districts located on each side of U.S. 12 from the City of New Buffalo City limit to the state line and each side of Grand Avenue. Grow, processors, and secure transporters are permitted as special land uses in the Industrial Districts located on each side of U.S. 12 from the City of New Buffalo City limit to the state line. This is comprised of approximately 500 feet in depth measured from the lot line at the road.

##### (b)

Provisioning centers/retailers and microbusinesses are permitted as special land uses in the portions of the C-1 and C-2 Zoning Districts located on each side of U.S. 12 from the east side of I-94 at Exit 4 to Hoder Road. This is comprised of approximately 500 feet in depth measured from the lot line at the road.

##### (c)

Provisioning centers/retailers and microbusinesses are permitted as special land uses in the portions of the C-1 and C-2 Zoning Districts located on each side of Harbor Country Drive and M-239 from Holiday Drive to the state line, including the south side Holiday Drive to Kinst Road and O'Brien Court. This is comprised of approximately 500 feet in depth measured from the lot line at the road.

Laura Genovich, Township Attorney with Foster Swift was present to answer any questions the ZBA members may have. Laura stated that the request for interpretation is effectively moot as there is no active SLU application for reference with this request.

Howard Males motioned to deny the request for interpretation as the request is moot, Jerry Agema second

ROLL CALL VOTE:

Novacek	Yes
Lauricella	Yes
Rogers	Yes
Males	Yes
Agema	Yes

MOTION: CARRIED

CASE NUMBER ZBA 2025-07-01

The Zoning Board of Appeals will now consider the request of Shawnelle and Lyle Logan regarding the following property described as property tax no. 11-13-1850-0045-02-6 located at 11032 Marquette Drive and property tax no. 11-13-1850-0058-00-4 located at 11015 Garden Drive both within New Buffalo, MI 49117.

1. Building Addition - Front Yard Setback to be reduced from 30-ft to 15-ft.
2. Accessible Boardwalk - Side Yard Setback to be reduced from 10-ft to 0-ft.
3. Building Addition - Rear Yard Setback to be reduced from 25-ft to 5-ft.
4. Accessory Structure under 144 SF - Rear Yard Setback to be reduced from 10-ft to 7-ft.
5. Accessory Structure under 144 SF - Rear Yard Setback to be reduced from 10-ft to 8-ft and Side yard Setback to be reduced from 10-ft to 0-ft.
6. Building Addition - Rear Yard Setback to be reduced from 25-ft to 22-ft.
7. Accessory Structure under 144 SF - Side Yard Setback to be reduced from 10-ft to 1-ft.
8. Building Addition - Side Yard Setback to be reduced from 10-ft to 6-ft.
9. Lot Coverage - increase requested from 35% to 39% Proposed for 11032 Marquette
10. Lot Coverage - increase requested from 35% to 38% Proposed for 11015 Garden
11. Clearance between Structures - decrease allowed from 10-ft minimum to 7-ft

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 ( 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 ( X ) is not ( ) met because: \_\_\_\_\_

Howard Males moved to recommend approval with the following conditions: The property owners will maintain and ensure these improvements for so long as they own the property Sue Rogers second

ROLL CALL VOTE:

Novacek	Yes
Lauricella	Abstain
Rogers	Yes
Males	Yes
Agema	Yes

MOTION: CARRIED

CASE NUMBER ZBA 2025-07-02

The Zoning Board of Appeals will now consider the request of Sam S. Simmerman regarding the following property described as property tax no. 11-13-1850-0151-01-2 located at 11042 Elmwood Dr., New Buffalo, MI 49117.

The applicant is requesting a 2ft height variance to construct a 6ft fence along Basswood Drive approximately 60ft in length. This parcel is considered a corner lot with front yards along Elmwood Drive and Basswood Drive.

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 ( ) is not ( X ) met because: \_ordinance allows 4ft\_\_\_\_\_

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

is ( ) is not ( X ) met because: \_\_\_trees, shrubs or natural barrier can be used\_\_\_

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 ( X ) is not ( ) met because: \_\_\_\_\_

Jerry Agema moved to recommend denial Traci Lauricella second

ROLL CALL VOTE:

Novacek      Yes

Lauricella	Yes
Rogers	Yes
Males	Yes
Agema	Yes

MOTION: CARRIED

5. APPROVE MINUTES

Howard Males moved, to approve the minutes from the June 10, 2025 Regular Meeting, Traci Lauricella second

MOTION: CARRIED

6. CORRESPONDENCE - None

7. ADJOURNMENT

Sue Rogers moved to adjourn at 11:45 am Jerry Agema second

MOTION: CARRIED

Respectfully submitted,



Estelle Brinkman  
Acting Secretary  
Zoning Board of Appeals





The Gateway of Michigan

## Zoning Board of Appeals Decision

Hearing Number: 2025-07-02 Hearing Date: July 8, 2025

Applicant: Sam S. Simmerman

Address: 11042 Elmwood Dr, New Buffalo, MI 49117

The applicant is requesting a 2ft height variance to construct a 6ft fence along Basswood Drive approximately 60ft in length. This parcel is considered a corner lot with front yards along Elmwood Drive and Basswood Drive.

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

( ) variance is granted

(X) is not granted

( ) is granted with the following conditions: \_\_\_\_\_

Vote of ZBA Members

Signatures 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

I, Estelle Brinkman, recording secretary of the New Buffalo Township Zoning Board of Appeals, certify that on this date: 7/8/25

I witnessed the signatures set forth above and attest to the accuracy of this reports.

Estelle Brinkman  
Signature, Recording Secretary  
Zoning Board of Appeals

[www.newbuffalotownship.org](http://www.newbuffalotownship.org)

ph: 269-469-3112 ~ fx: 269-469-9972 ~ 17425 Red Arrow Highway, New Buffalo, MI 49117



*The Gateway of Michigan*

## Zoning Board of Appeals Decision

Hearing Number: 2025-07-01 Hearing Date: July 8, 2025

Applicant: Shawnelle and Lyle Logan

Address: 11032 Marquette Dr. and 11015 Garden Dr., New Buffalo, MI 49117

1. The applicant is requesting a variance to allow Building Addition - Front Yard Setback to be reduced from 30-ft to 15-ft.

☒ variance is granted ☐ is not granted

☐ is granted with the following conditions: \_\_\_\_\_

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2. The applicant is requesting a variance to allow Accessible Boardwalk - Side Yard Setback to be reduced from 10-ft to 0-ft.

☒ variance is granted ☐ is not granted

☐ is granted with the following conditions: \_\_\_\_\_

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3. The applicant is requesting a variance to allow Building Addition - Rear Yard Setback to be reduced from 25-ft to 5-ft.

☒ variance is granted ☐ is not granted

☐ is granted with the following conditions: \_\_\_\_\_

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4. The applicant is requesting a variance to allow Accessory Structure under 144 SF - Rear Yard Setback to be reduced from 10-ft to 7-ft.

☒ variance is granted ☐ is not granted

☐ is granted with the following conditions: \_\_\_\_\_

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5. The applicant is requesting a variance to allow Accessory Structure under 144 SF - Rear Yard Setback to be reduced from 10-ft to 8-ft and Side yard Setback to be reduced from 10-ft to 0-ft.

☒ variance is granted ☐ is not granted

☐ is granted with the following conditions: \_\_\_\_\_

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6. The applicant is requesting a variance to allow Building Addition - Rear Yard Setback to be reduced from 25-ft to 22-ft.

☒ variance is granted ☐ is not granted

☐ is granted with the following conditions: \_\_\_\_\_

---

7. The applicant is requesting a variance to allow Accessory Structure under 144 SF - Side Yard Setback to be reduced from 10-ft to 1-ft.

☒ variance is granted ☐ is not granted

☐ is granted with the following conditions: \_\_\_\_\_

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8. The applicant is requesting a variance to allow Building Addition - Side Yard Setback to be reduced from 10-ft to 6-ft.

☒ variance is granted ☐ is not granted

☐ is granted with the following conditions: \_\_\_\_\_

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9. The applicant is requesting a variance to allow Lot Coverage - increase requested from 35% to 39% Proposed for 11032 Marquette

☒ variance is granted ☐ is not granted

☐ is granted with the following conditions: \_\_\_\_\_

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10. The applicant is requesting a variance to allow Lot Coverage - increase requested from 35% to 38% Proposed for 11015 Garden

☒ variance is granted

☐ is not granted

☐ is granted with the following conditions: \_\_\_\_\_

11. The applicant is requesting a variance to allow Clearance between Structures - decrease allowed from 10-ft minimum to 7-ft

☒ variance is granted

☐ is not granted

☐ is granted with the following conditions: The following condition applies to all of the above granted variances: The property owners will maintain and ensure these improvements for so long as they own the property.

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

Sue Rogers

\_\_\_\_\_

Jerry Agema

I, Estelle Brinkman, recording secretary of the New Buffalo Township Zoning Board of Appeals, certify that on this date: 7/8/25  
I witnessed the signatures set forth above and attest to the accuracy of this reports.

Estelle Brinkman  
Signature, Recording Secretary  
Zoning Board of Appeals