

**NEW BUFFALO TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING/PUBLIC HEARING
November 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 – GENERAL NON-HEARING RELATED - None

3. PUBLIC HEARINGS

Howard Males moved, to open the public hearing for Case Number 2025-11-01
Jerry Agema second

MOTION: CARRIED

CASE NUMBER ZBA 2025-11-01

The Zoning Board of Appeals will hear comments on the request of Mike Schaap Builders regarding the following property described as property tax no. 11-13-2850-0009-00-9 located at 10382 Smith Rd, New Buffalo, MI 49117.

The applicant is requesting a placement variance to construct a wading pool in the front yard 10ft from Smith Rd and 10ft from 4th Street.

APPLICANT COMMENT

John Trocke with Mike Schaap Builders spoke on behalf of the application. Mr. Trocke stated that the family has owned the property for over 30 years. The new building was placed on the existing footprint of the original home. A small wading pool is being proposed to be built. The lot is a non-conforming corner lot with the home pushed to the southeast corner of the property with the outdoor living space pushed towards the front. Beach access is difficult due to mobility issues within the family. Safety would include an automatic closing cover. Aesthetically, the construction would be thoughtfully designed like a water feature and garden space with landscaping and hedges so the pool would not be seen immediately. It was once again stated that the original footprint was utilized, and addition was needed for extra bedroom space and a garage. Applicants do not feel as if this was a self-created hardship.

Ben Leshem, property owner, spoke about the family owning the property for 30 years and its use as a second home. The original home was built in 1921. Leshem's have 4 kids and need extra space for their children to visit and hopefully Leshem's parents. The older generation cannot make the trip to the beach due to ageing and disability.

Jerry Agema asked if the pool was planned prior to construction. The answer was yes.

Howard Males mention mobility issues as a common issue and asked if that was the driving motivation for the request.

Ben Leshem sees no issue with the pool as designed no one will see the pool from the street.

Jerry Agema asked if any other locations were considered.

Ben Leshem stated no.

Estelle Brinkman maintained that this is a self-created hardship as the home was demolished and planned re-building was presented for permit without disclosing the future pool addition. Had that information been disclosed the applicants would have been advised to modify the site plan to locate the pool in a manner that meets the required setback criteria.

CORRESPONDENCE

Nancy Koenig – Opposed
Craig Silverman & Nancy Dunck – Opposed
Arthur Herbstman – Opposed
Mary Graber – Opposed
John Burke – Opposed
Kevin McIntyre – Opposed
Horace Fox & Beth Lehman – Opposed
Chris Tump – Supported
Carol Gittler – Opposed
Ben & Andrea Leshem – Applicant
Gina Bavone – Opposed
Michele Medzigian – Opposed
Mitchell Sabshon – Opposed
Nancy Koenig on behalf of the GSHA Board – Opposed
Sandra Murphy – Opposed
Craig Andree & Frank Quinn - Opposed

PUBLIC COMMENT

Mitchell Sabshon – Opposed
Chris Cherek GSHA Board – Opposed
Gary Shaw – Opposed
Tom Jacobs - Opposed

Howard Males moved, to close the public hearing for Case Number 2024-10-01
Traci Lauricella second.

MOTION: CARRIED

4. BUSINESS SECTION

CASE NUMBER ZBA 2025-11-01

The Zoning Board of Appeals will now consider the request of Mike Schaap Builders regarding the following property described as property tax no. 11-13-2850-0009-00-9 located at 10382 Smith Rd, New Buffalo, MI 49117.

The applicant is requesting a placement variance to construct a wading pool in the front yard 10ft from Smith Rd and 10ft from 4th Street.

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 () is not (X) 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 () is not (X) 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 () is not (X) 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: _____

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

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

Jerry Agema moved to recommend denial, Traci Lauricella second.

ROLL CALL VOTE:

Novacek	Yes
Lauricella	Yes
Rogers	Absent
Males	Yes
Agema	Yes

MOTION: CARRIED

5. APPROVE MINUTES

Howard Males moved, to approve the minutes from the October 14, 2025, Regular Meeting. Traci Lauricella second.

MOTION: CARRIED

6. CORRESPONDENCE - None

7. ADJOURNMENT

Howard Males moved to adjourn at 11:38am Traci Lauricella second

MOTION: CARRIED

Respectfully submitted,


Estelle Brinkman
Acting Secretary
Zoning Board of Appeals



The Gateway of Michigan

Zoning Board of Appeals Decision

Hearing Number: 2025-11-01 Hearing Date: November 10, 2025

Applicant: Mike Schaap Builders

Address: 10382 Smith Rd

The applicant is requesting a placement variance to construct a wading pool in the front yard 10ft from Smith Rd and 10ft from 4th Street.

() variance is granted

(X) is not granted

() is granted with the following conditions: _____

Vote of ZBA Members

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

Signatures of ZBA Members

[Signature]
[Signature]
Absent
[Signature]
[Signature]

I, Estelle Brinkman, recording secretary of the New Buffalo Township Zoning Board of Appeals, certify that on this date: 11/10/25
I witnessed the signatures set forth above and attest to the accuracy of this report.

[Signature]
Signature, Recording Secretary
Zoning Board of Appeals

www.newbuffalotownship.org

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