



**SPECIAL MEETING
ZONING BOARD OF APPEALS
Tuesday, January 7, 2020**

**City of New Buffalo
224 W. Buffalo Street
New Buffalo MI 49117**

AGENDA

1. Call to Order, Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Approval of Previous Meeting Minutes
5. Public Hearing
Variance Request 1112 E. Clay Street/11-62-8200-0203-04-4, 11-62-8200-0206-02-7,
11-62-8200-0207-04-0, 11-62-8200-0207-02-3 allowing for additional lot coverage.
6. New Business
Variance Request 1112 E. Clay Street/11-62-8200-0203-04-4, 11-62-8200-0206-02-7,
11-62-8200-0207-04-0, 11-62-8200-0207-02-3 allowing for additional lot coverage.
7. Adjournment



ZONING BOARD OF APPEALS

STAFF REPORT

Meeting Date: January 7, 2020

Project Number: 11.13.19

Project Name: NB Schools STEAM Building variance request.

Applicant: Evan LeDuc, Abonmarche Consultants, 95 W, Main Street, Benton Harbor, MI 49022.

Property Location: Across from 1112 E. Clay Street, New Buffalo, MI 49117, #11-62-8200-0203-04-4; 11-62-8200-0206-02-7; 11-628200-0207-04-0; 11-62-8200-0207-02-3.

Owner: NB Area Schools, Dr. Jeff Leslie, 1112 East Clay Street, PO Box 280, New Buffalo, MI 49117.

Dimensions: Irregular lot - 744.45' to 1122.30' x 203.98' to 122.97' (121,718.38' and 69,007.33' SF).

Proposed Use: NB Schools is proposing to construct a Science, Technology, Engineering and Arts (STEAM) facility complete with an ancillary public recreational complex.

Zoning: The entire area is zoned R-1 Single Family Residential.

Action Requested: Increase allowable lot coverage from 50% to 68%.

OVERVIEW

The purpose of this application is to consider a series of improvements to the area directly across the street from the middle/high school which is located at 1112 E. Clay Street. The eastern portion of the development will be home to a new Science, Technology, Engineering, Arts and Mathematics (STEAM) facility. The new building will include a robotics field, performing arts storage, work shop, metal shop and work shop areas and a garage to store equipment and the robotic trailer. The building will be supported by the construction of new sidewalks and the rehabilitation of the existing parking lot next to the proposed building.

Improvements to the western parcel of the project area will focus on recreational activities. The plans call for an expansion of the existing uses on site including adding six (6) new pickle ball courts, improving the skate park and converting the existing pickle ball courts to a full basketball court. A new pavilion and restroom building are proposed near the west end of the recreational parcel. Students are expected to park in the main school parking lot and walk to the site. Stormwater management will include a new retention area to the east. The project area is directly across the street from the middle/high school controlled by Article 6 R-1 Section 6-3 Single Family District- Uses permitted by special land use. Educational institutions, Section 14-1, Article 17- Special Land Uses Section 17-8 Item G. Educational institutions of the City's Zoning Ordinance.

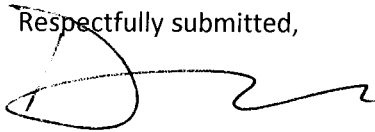
Section 14.1 – Schedule of Regulations for R-1 Single Family Residential

Findings

- The subject lot is an existing non-conforming lot of irregular dimensions making construction difficult and requiring accommodation.
- Front, rear and sideyard setbacks are met.
- While maximum lot coverage allowed is 35%, the current coverage is 50% and the applicant proposes coverage of 68%.
- The Zoning Board Commission is authorized to consider the requested lot coverage variance.
- The circumstances of this property are not comparable to adjacent properties.
- There are dimensional characteristics to the lot that create a practical difficulty with compliance and those difficulties are not created by the applicant.
- The variances preserve the substantial property rights indistinguishable from other property in the same zoning district.
- The variances will have limited detriment to adjacent properties and the neighborhood.
- The variance will not impair the intent and purpose of the Zoning Ordinance.
- The lot coverage proposed is consistent with the needs of the community.

After review of the application materials, confirmation of the facts reported, site inspections and evaluation of the site development requirements, it is recommended to approve the requested variance allowing lot coverage of 68% for project # 11.13.19 - NB Schools STEAM Building variance request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Richards', written over a horizontal line.

David Richards, City Manager



City Staff Use Only

Project Name
Project Number
Review Fee Paid
Escrow Fee Paid

APPLICATION TO: PLANNING COMMISSION ZONING BOARD OF APPEALS

224 W Buffalo St, New Buffalo, MI 49117 City Hall: 269-469-1500 Building Dept: 269-469-7144 Facsimile: 269-469-7917

Instructions: Fill-in all blanks and 'X' applicable boxes (). Incomplete applications cannot be processed.

I. Applicant and Owner Information

A) Applicant(s) principal contact:

Name Evan LeDuc, Abonmarche Consultants
Address [Redacted]
Telephone [Redacted]

E) Property owner(s) principal contact:

Name Dr. Jeff Leslie, Superintendent
New Buffalo Area Schools
Address [Redacted]
Telephone [Redacted]

B) Applicant(s) secondary contact:

Name Seth Morrison, Abonmarche Consultants
Address [Redacted]
Telephone [Redacted]

F) Architect (if applicable):

Name Seth Morrison, Abonmarche Consultants
Address [Redacted]
Telephone [Redacted]

C) Agent or Attorney (if applicable):

Name _____
Address _____
Telephone _____

G) Engineer (if applicable):

Name Timothy Drews, Abonmarche Consultants
Address [Redacted]
Telephone [Redacted]

D) Is the property held in Trust*:

Yes - Answer below No - Skip below

Name of Trust _____
Address _____
Telephone _____

H) Applicant is (check one):

Property owner

Attorney

Agent

Engineer

Other: Architect

* Trusts: Provide an attached statement from the trustee verifying the names of all the beneficial owners.

II. Purpose of Application

A) This application is a request for the following action:

- Rezoning of Property Subdivision Approval Site Plan Approval
- Rezoning Amendment Variance(s) Approval Special Use Approval
- Lot Split – Subdivision or Land Division Other: _____

B) The reasons for the requested action(s) are as follows:

New Buffalo Area Schools is requesting approval to make a series of improvements to the area directly across the street from the middle/high school which is located at 1112 E. Clay Street. The eastern portion of the development will be home to a new Science, Technology, Engineering, Arts and Mathematics (STEAM) facility. The new building will include a robotics field, performing arts storage, work shop, metal shop and work shop areas and a garage to store equipment and the robotic trailer. The building will be supported by the construction of new sidewalks and the rehabilitation of the existing parking lot next to the proposed building. These improvements will create full accessibility to the new building. Improvements to the western parcel of the project area will focus on recreational activities. The proposed plans call for an expansion of the existing uses on site including adding six (6) new pickelball courts, making improvements to the skate park and removing the existing pickelball courts and converting the half basketball court to a full basketball court. A new pavilion and restroom building is proposed near the west end of the recreational parcel. Students are expected to park in the main school parking lot and walk to the site. Stormwater management will include a new retention area to the east.

C) The specific section(s) of the City Zoning Ordinance or City General Ordinances which addresses the amendment, variance, or other action which is being requested:

Section 6-3 of Article 6 R-1 Single Family District - Uses permitted by special land use - A. Educational institutions.

Section 14-1 Schedule of Regulations, R-1 Single Family Residential, Percentage of Coverage (35%)

Article 17 - Special Land Uses Section 17-8 Item G Educational Institutions

D) The following two questions are only for applications which contain a request for a zoning variance:

1. Are the conditions which prevent the development of the property the result of action by an individual who has or had a property interest in the subject property: Yes No

2. If the conditions were self-imposed (not hardship), explain why the variance should be granted:

The current percent of coverage is nearly 50% and we proposed to increase to 68%. The recreational nature of the existing parcel to the west and lack of building structures provides an openness in appearance. Pickelball has become so popular that it is desired to add the courts, additional parking, restrooms and pavilion to accomodate the users. We would grade the site to drain into the retention area to the east so drainage should improve from current existing conditions. The recreational parcel although owned by the school will be for everyone's use.

The proposed combined percent of coverage for both parcels = 51.54%

III. Site and Surrounding Property Information

A) Common address or property location of subject property:

Directly across the street from New Buffalo High School 1112 E. Clay Street New Buffalo, MI 49117

B) Legal description (attach an additional sheet if necessary):

Please refer to attachment titled STEAM Building & Recreation – Legal Descriptions

C) Permanent Real Estate Tax Identification Number:

11-62-8200-0203-04-4, 11-62-8200-0206-02-7,
11,62-8200-0207-04-0, 11-62-8200-0207-02-3

	West	East	
D) Parcel Size:	121,718.38	69,007.33	Square feet
	2.79427	1.58419	Acres
	744.45'	1122.30'	Dimension of lot frontage
	203.98' - 122.97'	122.97' - 0'	Dimension of lot depth

E) What are the current land uses and zoning on the property and the adjoining properties:

	Current zoning	Current land use
1. On Site:	R-1 Single Family Residential	Recreational/Vacant
2. Adjoining property:		
a) North of Site	R-1 Single Family Residential	Educational High School
b) South of Site	R-1 Single Family Residential	Transportation - CSX Railroad
c) East of Site	R-1 Single Family Residential	ROW
d) West of Site	R-1 Single Family Residential	Educational Bus Garage

F) Describe any existing structures or other improvements and physical attributes of the site:

West parcel: Recreational Parcel with existing tennis courts (4), Hardscape surface with half court basketball, 4 pickleball courts and skate park.

Existing paved parking lot to west of tennis courts and additional gravel parking to northwest of paved parking. Clay right of way has utilities and overhead power lines and an open ditch.

East parcel: No existing structures, Clay right of way has utilities and overhead power lines and an open ditch.

Site is wooded with primarily scrub growth and smaller hardwood trees.

IV. Description of the Proposed Development

A) Please describe the proposed use of the land and/or building assuming approval of the request:

The proposed use of the east parcel is to house a STEAM Building for the New Buffalo Area Schools Robotics and Performing Arts Programs with a retention area to the east.

The proposed use of the west parcel is to add pickleball courts (6), additional paved parking, a pavilion with restrooms and lighting and accessible sidewalk

B) What is the proposed time frame for the build-out of this development: Completion in 2020

C) For each intended use please fill-in the number of buildings, square footage of each building, the total square footage of the development, and the required number of parking spaces; as well as the number and size of the water and the sewer connections:

Building Use	Number of Buildings	Building Area (sq ft)	Total Building (sq ft)	Required Parking Spaces	Water Connections and Sizes	Sewer Connections and Sizes
Single Family R-1	1	9,874 SFT	9,874 SFT	8 Per classroom	1 - 2", 1 - 6"	1 - 6 inch
	1	1,756.75 SFT	1,756.75 SFT	5 Per 1,000Sft	1 - 2"	1 - 6 inch
Two Family R-2						
Mufti-Family R-3						
Central Business CBD						
Gen. Commercial GCD						
Waterfront Marina WM						
General Industrial I-1						
TOTAL						

D) If this application is for a development please provide information concerning the amount of traffic and the proposed road configuration it will have: *N/A Students are not to Drive to Steam Building*

- 1) Average daily traffic count for the proposed development: _____
- 2) Peak traffic flow count for the proposed development: _____
- 3) How many lineal feet of roadway is proposed to be developed: _____
- 4) How many cul-de-sacs will be constructed as part of this project: _____
- 5) How many curb cuts to City, County or State roads are proposed: 1 - curb cut for garage

E) Does the request contemplated in this application concern any hazardous materials:

No Yes – describe the type and quantity of materials (attach extra pages if necessary):

V. Attachments

- A) Plat of Survey with legal description.
- B) Site plan of proposed use of project showing traffic patterns, parking locations and court, drainage patterns including detention areas, landscaping plans, exterior lighting locations and illumination pattern, building facade portrait and building size and location dimensions.
- C) Floodplain map (engineer's drawing or FEMA map showing location of subject property).
- D) Application fee in the amount of \$ Fees Waived.
- E) High Risk Dune Area Designation and/or Soil Conservation Analysis (if applicable).
- F) Application for permits (specify type): All required permits shall be retained prior to construction.
 - 1) Michigan DOT _____
 - 2) County Road Commission _____
 - 3) County Health Department _____
 - 4) State Dept. of Public Health _____
 - 5) Michigan DEQ _____
 - 6) Others _____
- G) Sand Dune Permit for Construction (if applicable).

VI. Additional Information - Please describe the reasons this petition should be granted and include any additional comments or pertinent information (attach additional pages if necessary):

Recreational facilities have been requested by the general public and the recreational amenities will be for everyone's use.

Building Facility is needed for educational purposes to provide our area students with the same amenities that other area schools have.

Robotics programs have become very popular and they require ample room and space for practice competition fields.

VII. Signature and Declaratory Statement

A) Required attendance at public hearing(s) and/or meeting(s): The Planning Commission and Zoning Board of Appeals (ZBA) have established a policy requiring the applicant or a designated representative of the applicant to be present at any meeting or public hearing at which their application is to be considered. Failure of the applicant or designee of the applicant to appear may postpone consideration of the application by the Planning Commission or ZBA.

B) Declaratory Statement:

I, EVAN M LEDUK, hereby certify that all information contained in this application and accompanying documentation is true and correct to the best of my knowledge and further, I acknowledge the required attendance of the applicant as set forth in paragraph A above. I furthermore grant permission for identified members of the City of New Buffalo's Planning Commission or Zoning Board of Appeals to visit the site(s) referenced in this application.

C) Applicant Signature: [Signature] Date: 11/13/19

D) Notary Public Certification Statement:

I, CATHERINE A. WALL, Notary Public in and for the State of Michigan this 13th day of November, 2019 the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: 11-5-2025 [Signature]
CATHERINE A. WALL
Notary Public, Barrion County, MI
My Comm. Expires Nov. 5, 2025

VIII. City Staff Review

A) Fire Department approval of Site and Building Plans, except for single family dwellings: This application and associated documentation must be reviewed by the Fire Chief or his designee, which can be arranged by calling the Fire Department: 269-469-4993.

Review Date: _____

Approval: Yes No Signature: _____

Conditions: Attached None Title: _____

B) Note to applicant: The original application must be filed in the Office of the Zoning Administrator, where the following signatures are required for verification that this is a complete and valid application to be considered by the Planning Commission or the Zoning Board of Appeals.

Building Inspector: _____ Date: _____

Zoning Administrator: _____ Date: _____

Initial meeting date: _____

STEAM Building & Recreation – Legal Descriptions
New Buffalo Area Schools

PARCEL A - RECREATION AREA PARCEL:

THAT PART OF BLOCKS 207 AND 208, VACATED FARMER STREET, VACATED FRANKLIN STREET, AND GRIFFITH STREET, VIRGINIA ADDITION TO THE CITY OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT ON THE SOUTHEAST LINE OF CLAY STREET THAT IS NORTH 61° 41' 03" EAST, 13.19 FEET FROM THE NORTHERLY MOST CORNER OF BLOCK 209, SAID VIRGINIA ADDITION; THENCE NORTH 61° 41' 03" EAST, ON THE SOUTHEAST LINE OF SAID CLAY STREET, 679.42 FEET; THENCE NORTH 61° 43' 55" EAST, ON SAID SOUTHEAST LINE, 65.03 FEET TO THE NORTHEAST LINE OF VACATED FARMER STREET; THENCE SOUTH 28° 08' 46" EAST, ON SAID NORTHEAST LINE, 122.97 FEET TO THE NORTHWEST LINE OF CSX RAILROAD; THENCE SOUTH 55° 28' 49" WEST, ON SAID NORTHWEST LINE, 749.08 FEET; THENCE NORTH 28° 08' 46" WEST, PARALLEL WITH THE SOUTHWEST LINE OF GRIFFITH STREET, 203.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.79 ACRES (121,718 SQUARE FEET), MORE OR LESS.

PART OF TAX PARCELS 11-62-8200-0207-01-4 AND 11-62-8200-0207-02-3

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE, IF ANY EXIST.
SUBJECT TO RIGHTS OF OTHERS OVER THAT PART LYING WITHIN VACATED FRANKLIN STREET AND VACATED FARMER STREET.
SUBJECT TO RIGHTS OF THE PUBLIC AND ANY GOVERNMENTAL UNIT OVER THAT PART LYING IN GRIFFITH STREET.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM OF 1983.

PARCEL B - STEAM BUILDING PARCEL

THAT PART OF BLOCKS 203, 204, 205, AND 206, VACATED VIRGINIA STREET, ONTARIO STREET, AND ROSE STREET, VIRGINIA ADDITION TO THE CITY OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT THE WESTERLY MOST CORNER OF SAID BLOCK 206; THENCE NORTH 61° 43' 55" EAST, ON THE SOUTHEAST LINE OF SAID CLAY STREET, 1122.30 FEET TO THE NORTHWEST LINE OF CSX RAILROAD; THENCE SOUTH 55° 28' 49" WEST, ON SAID NORTHWEST LINE, 1129.28 FEET TO THE NORTHEAST LINE OF VACATED FARMER STREET; THENCE NORTH 28° 08' 46" WEST, ON SAID NORTHEAST LINE, 122.97 TO THE POINT OF BEGINNING.

CONTAINING 1.58 ACRES (69,007 SQUARE FEET), MORE OR LESS.

PART OF TAX PARCELS 11-62-8200-0203-04-4 AND 11-62-8200-0206-02-7

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE, IF ANY EXIST.
SUBJECT TO RIGHTS OF OTHERS OVER THAT PART LYING WITHIN VACATED VIRGINIA STREET.
SUBJECT TO RIGHTS OF THE PUBLIC AND ANY GOVERNMENTAL UNIT OVER THAT PART LYING IN ROSE STREET AND ONTARIO STREET.

National Flood Hazard Layer FIRMette



Legend

SEE THIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AP
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone A
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone X

OTHER AREAS

- Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone X

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/13/2019 at 3:23:53 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



TOWNSHIP OF NEW BUFFALO
260039

USGS The National Map, Orthometry Data released April 2019





U.S. Fish and Wildlife Service

National Wetlands Inventory

New Buffalo - East Clay Street



May 15, 2019

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site