



**SPECIAL MEETING  
ZONING BOARD OF APPEALS  
Wednesday, February 3, 2021 at 5:00 p.m.  
City of New Buffalo  
224 W. Buffalo Street  
New Buffalo MI 49117**

**AGENDA**

*Join Zoom Meeting*

<https://us02web.zoom.us/j/87858941872?pwd=WW9FdjhWMUZBd0g0NHQxa1NJeTNXQT09>

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Previous Minutes- November 19, 2020
5. Public Comment
6. Public Hearing
  - a. Variance Request 103 N. Smith Street 11-62-0340-0115-00-7
  - b. Variance Request 301 W. Mechanic Street 11-62-0340-0097-01-7
  - c. Variance Request 910 Lake Dr. 11-62-7210-0004-00-1
7. New Business
  - a. Variance Request 103 N. Smith Street 11-62-0340-0115-00-7
  - b. Variance Request 301 W. Mechanic Street 11-62-0340-0097-01-7
  - c. Variance Request 910 Lake Dr. 11-62-7210-0004-00-1
8. Adjournment



**Call to Order at 5:07 pm**

**Roll Call.** All Present: Arlene Pokuta, Richard Cooper, Mark Joseph, Tom Smith, Wayne Borg, Mark Gabryszewski.

**Approval of Agenda.** Motion by Pokuta, seconded by Joseph to approve the agenda with the addition to appoint a chairperson at the beginning of the meeting: roll call vote, motion carried, 6-0.

**Approval of Previous Minutes (5/22/2020).** Motion by Smith, seconded by Pokuta to approve the previous minutes from May 22, 2020: roll call vote, motion passed, 6-0.

**General Public Comment:**

John Humphrey – Introduced himself as the new mayor and explained his zoning experience.

**Appointment of Chairperson.** Motion by Joseph, seconded by Borg to appoint Tom Smith as the Chairperson of the Zoning Board of Appeals: roll call vote, motion passed, 6-0.

**Motion to Open Public Hearing.** Motion by Smith, seconded by Pokuta to open public hearing: roll call vote, motion carried, 6-0.

**Public Hearing****Variance Request 116 N. Smith Street 11-62-0340-0099-02-8**

Migs and Kevin Murray, along with Dan Saunders – spoke regarding the location of the pool.

**Motion to Close Public Hearing.** Motion by Smith, seconded by Borg to close public hearing for **116 N. Smith Street 11-62-0340-0099-02-8**: roll call vote, motion carried, 6-0.

**Variance Request 120 W. Buffalo Street 11-62-0340-0259-02-5**

**Motion to Open Public Hearing for 120 W. Buffalo Street 11-62-0340-0259-02-5.** Motion by Smith, seconded by Gabryszewski to open public hearing for **120 W. Buffalo Street 11-62-0340-0259-02-5**: roll call vote, motion carried, 6-0.

Andy Weible – Expressed his concern.

**Motion to Close Public Hearing for 120 W. Buffalo Street 11-62-0340-0259-02-5.** Motion by Smith, seconded by Joseph to close the public hearing for **120 W. Buffalo Street 11-62-0340-0259-02-5**: roll call vote, motion carried, 6-0.

**Variance Request 123 S. Thompson Street 11-62-6750-0147-04-4**

**Motion to Open Public Hearing for 123 S. Thompson Street 11-62-6750-0147-04-4.** Motion by Smith, seconded by Borg to open public hearing for **123 S. Thompson Street 11-62-6750-0147-04-4**: roll call vote, motion carried, 6-0.



None

**Motion to Close Public Hearing for 123 S. Thompson Street 11-62-6750-0147-04-4.** Motion by Smith, seconded by Cooper to close the public hearing for **123 S. Thompson Street 11-62-6750-0147-04-4**: roll call vote, motion carried, 6-0.

**Variance Request 529 North Drive 11-62-0009-0003-16-6**

**Motion to Open Public Hearing for 529 North Drive 11-62-0009-0003-16-6.** Motion by Smith, seconded by Cooper to open public hearing for **529 North Drive 11-62-0009-0003-16-6**: roll call vote, motion carried, 6-0.

The following people spoke regarding 529 North Drive:

Nora Howe

Cheryl Brady

Grant Schertzing, Attorney for the Marina Grand

Bill McCollum

Diane Flynn

Alan Horsman

Jerry Graham

Jay Fox

Thomas Warnke

Theresa Kii

Jack Joyce

**Motion to Close Public Hearing for 529 North Drive 11-62-0009-0003-16-6.** Motion by Smith, seconded by Joseph to close the public hearing for **529 North Drive 11-62-0009-0003-16-6**: roll call vote, motion carried, 6-0.

**New Business**

**Variance Request 116 N. Smith Street 11-62-0340-0099-02-8**

**Motion to Open Variance Request for 116 N. Smith Street 11-62-0340-0099-02-8.** Motion by Smith, seconded by Gabryszewski to open public hearing for **116 N. Smith Street 11-62-0340-0099-02-8**: roll call vote, motion carried, 6-0.

Tony McGhee – Read the City Manager report.

Anthony Zeoli, applicant, provided background on the proposed pool and its location.

Detailed discussion took place regarding the location of the pool, the property lines and drainage issues.

**Motion** by Smith, seconded by Borg to **deny** the Variance Request for **116 N. Smith Street 11-62-0340-0099-02-8** for being designed too close to the lot lines: roll call vote, motion carried, 6-0.



**Variance Request 120 W. Buffalo Street 11-62-0340-0259-02-5**

Tony McGhee – Read the City Manager report.

Bill McCollum, applicant, gave a presentation explaining the proposed project.

Discussion followed concerning parking.

**Motion** by Joseph, seconded by Gabryszewski to **approve** the Variance Request for **120 W. Buffalo Street 11-62-0340-0259-02-5**: roll call vote, motion carried, 6-0.

**Variance Request 123 S. Thompson Street 11-62-6750-0147-04-4**

Tony McGhee – Read the City Manager report.

**Motion** by Joseph, seconded by Borg to **approve** the Variance Request for **123 S. Thompson Street 11-62-6750-0147-04-4 with smaller setback**: roll call vote, motion carried, 6-0.

**Variance Request 529 North Drive 11-62-0009-0003-16-6**

Tony McGhee – Read the City Manager report.

Detailed discussion took place regarding many aspects of the project including, the height, setbacks and parking.

**Motion** by Joseph, seconded by Gabryszewski to **table** the variance request at **529 North Drive 11-62-0009-0003-16-6**: roll call vote, motion carried, 6-0.

Board Comments

None

**Motion** by Joseph to adjourn, seconded by Borg at 7:03 pm to adjourn the meeting: roll call vote, motion carried, 6-0.

Adjournment at 7:04 pm.

ng

---

Tom Smith, ZBA Chairperson

---

Amy Fidler, City Clerk





**City of New Buffalo**  
**Zoning Board of Appeals**  
**Staff Report**

**Hearing Date:** February 3, 2021

**Project Number:** PT21-0002

**Applicant:** Heather O'Meara

**Subject Property Address:** 103 N Smith Street, New Buffalo, MI 49117

**Nature of the Request:** Allow demolition of existing house and construction of new house located in the same footprint, with variance for rear yard set back requirements.

**Zoning District:** R-3

**OVERVIEW**

The applicant is Heather O'meara, owner, of 103 N. Smith Street, New Buffalo, MI 49117. The applicant requests variances to Demo existing house and construct a new house on same footprint. Current zoning on the property is R-3 high density. This is an original plated lot of record that does not meet current zoning regulations for R-3 or R-1 standards.

The current zoning of R-3 (Multi-Family) is not consistent with the current properties located on N. Smith Street. This lot of record does not meet the zoning requirements for R-3 and could not be developed as and R-3 property. The owner wished to seek a variance of the current zoning to construct a new residence in the same location as the current non-habitable structure located at 103 N. Smith Street using the R-1 zoning guidelines with specific variance to reduce the rear yard required setback of 30 feet to 10 feet.

**Recommendation:** Upon review of the application materials, validation of the facts reported, site inspection and evaluation of each of the criteria required for review and noted in this staff report, it is the recommendation of the Zoning Administrator to approve the requested variance in keeping with the current uniform standards for structures on N. Smith Street.

Respectfully submitted,

Ted Hanson  
Building Official  
City of New Buffalo



# ZONING

## A Attachment 1

### City of New Buffalo

#### Schedule of Regulations\*

Districts		Area (a) (square feet)	Width (feet)	Yard Setbacks (feet)			Height		Coverage (%)
				Front	Side	Rear	Feet	Stories	
R-1 Single Family Residential		8,700(h)	66(b)	20	6	30	35(c)	2 1/2	35
R-2 Medium Density Residential		8,700 (d)(h)	66 (b)(d)	20	6(e)	30	35(c)	2 1/2	40
R-3 High Density Residential	Single- and two-family	See Section 8-4							
	Multiple-family	See Section 8-4							
R-4 Manufactured Home Park		See Article 9							
CBD Central Business		8,000	66	None	(f)	25	35		70
GCD General Commercial		15,000	100	30	(f)(i)	30 (i)	35		60
WM Waterfront Marina		15,000	100	15	10(g)	10	35		70
I-1 General Industrial		43,560	150	35	15 (i)	20 (i)	40		50
PUD Planned Unit Development		See Article 18							

#### NOTES:

\* Footnotes are an integral part of these District Regulations and should be read in conjunction with the above schedule.

#### FOOTNOTES TO DISTRICT REGULATIONS

(a) All dwellings shall contain a minimum floor area in accordance with the following:

Single family	1,000 sq. ft., with at least 800 square feet on the ground floor
Two-family	1,600 square feet, total
Multiple-family:	
Efficiency	500 square feet
1-bedroom	600 square feet
2-bedroom	800 square feet
3-bedroom	1,000 square feet
4-bedroom	1,150 square feet

Accessory buildings shall conform to the requirements of Section 3-2.

- (b) Minimum width shall be 200 feet for all nonresidential uses.
- (c) Nonresidential buildings may be built to a height of up to 65 feet; provided one additional foot of setback shall be added to each yard requirement for each foot by which the height exceeds 35 feet.
- (d) All two-family dwellings shall have a minimum lot area of 11,000 square feet.
- (e) The total of both side yards shall not be less than 20 feet.
- (f) When abutting non-residentially used or zoned property, a side yard of 10 feet shall be provided. However, the Planning Commission may approve up to a zero setback if it can be demonstrated that the lesser setback will not adversely affect adjoining properties, and specifically the availability of light to existing or proposed buildings. Where abutting lots have buildings employing a common party wall, no side yard shall be required. When abutting residentially used or zoned property, a side yard of 30 feet shall be provided.
- (g) Where there is a common wall planned for a building on an adjacent property, no side yard shall be required.
- (h) All lots platted prior to the date of adoption of this ordinance may be 8,000 square feet.
- (i) Where a side or rear yard abuts residentially zoned property, a landscaped buffer shall be provided in accordance with the requirements of Section 3-28.



- E. State-licensed residential care group facilities.

## Section 8-4 Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site Plan Review is required in accordance with Article 19.
- B. Parking is required in accordance with Article 15.
- C. Signs are permitted in accordance with the requirements of Article 16.
- D. Minimum building setbacks, height, area, and lot dimensions are required as noted below.

### MINIMUM BUILDING SETBACKS

Front yard	30 feet
Side yard	20 feet
Rear yard	30 feet

### MINIMUM BUILDING-TO-BUILDING SPACING

Side to side	25 feet
Front to front	50 feet
Rear to rear	80 feet
Front to side	50 feet
Corner to corner	25 feet
Front to rear	60 feet
Rear to side	50 feet

### MINIMUM DWELLING UNIT SIZE (Multiple-Family Dwelling Units)

Efficiency units	500 square feet
One-bedroom units	600 square feet
Two-bedroom units	800 square feet
Three-bedroom units	1,000 square feet
Four-bedroom units	1,150 square feet

### OTHER REQUIREMENTS

Minimum lot width	150 feet
Maximum lot coverage	35% of total lot area
Maximum building height	35 feet
Maximum density	A maximum net density of 12 units per acre shall be permitted
Maximum dwelling units per building (attached single-family dwelling units)	6 units
Maximum dwelling units per building (apartment-style dwelling units)	12 units (unless approved by special use)











City Staff  
Use Only

Project Name  
Project Number  
Review Fee Paid  
Escrow Fee Paid

PAID

DEC 21 2020

City of New Buffalo

**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**

62-0340-0115-00-7


A) Applicant(s) principal contact:

Name Heather O'mearaAddress Telephone 

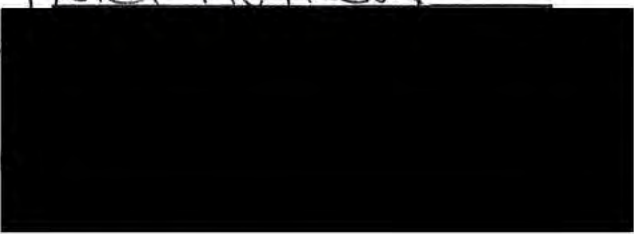
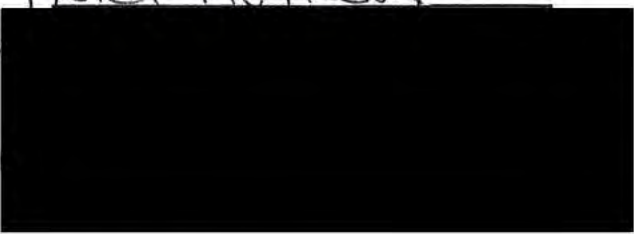
E) Property owner(s) principal contact:

Name Heather O'meara / Rennie BurianAddress Telephone 

B) Applicant(s) secondary contact:

Name Rennie BurianAddress Telephone 

F) Architect (if applicable):

Name Heidi HornadayAddress Telephone 

C) Agent or Attorney (if applicable):

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

G) Engineer (if applicable):

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

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: \_\_\_\_\_\* 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:

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Rezoning of Property          | <input type="checkbox"/> Subdivision Approval | <input checked="" type="checkbox"/> Site Plan Approval |
| <input type="checkbox"/> Rezoning Amendment                       | <input type="checkbox"/> Variance(s) Approval | <input type="checkbox"/> Special Use Approval          |
| <input type="checkbox"/> Lot Split – Subdivision or Land Division | <input type="checkbox"/> Other: _____         |  |

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

We realized the existing house is not rehabable  
therefore we need to remove it and start over.  
We would rebuild in the same location, same  
size footprint & setbacks with the exception of  
an attached back screened in porch.

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:

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:



**III. Site and Surrounding Property Information**

A) Common address or property location of subject property:

103 N Smith Street, New Buffalo

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

Lot 7 Block 10 Vill Plat of New BuffaloC) Permanent Real Estate Tax Identification Number: 11-62-0340-0115-00-7

D) Parcel Size:

± 5,422.7

Square feet

0.00

Acres

66'

Dimension of lot frontage

82'

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:	<u>R3</u>	<u>single family</u>
2. Adjoining property:		
a) North of Site	<u>R3</u>	<u>single family</u>
b) South of Site	<u>R3</u>	<u>town homes</u>
c) East of Site	<u>R3</u>	<u>single family</u>
d) West of Site	<u>R1</u>	<u>single family</u>

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

There is a house and garage slab.



**IV. Description of the Proposed Development**

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

Tear down existing house. Build New house in  
exact same location.

B) What is the proposed time frame for the build-out of this development: 8 months

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	one	1,951	4,008	4	same	same
Two Family R-2						
Mufty-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:

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: \_\_\_\_\_

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) NA Floodplain map (engineer's drawing or FEMA map showing location of subject property).
- D) ✓ Application fee in the amount of \$ 350.00.
- E) NA High Risk Dune Area Designation and/or Soil Conservation Analysis (if applicable).
- F) NA Application for permits (specify type):
- 1) Michigan DOT \_\_\_\_\_
  - 2) County Road Commission \_\_\_\_\_
  - 3) County Health Department \_\_\_\_\_
  - 4) State Dept. of Public Health \_\_\_\_\_
  - 5) Michigan DEQ \_\_\_\_\_
  - 6) Others \_\_\_\_\_
- G) NA 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):

Rennie and I really wanted to fix the old house but upon further inspection it is in complete disrepair from the previous owners with a crumbling foundation. Once we realized this we met with Dave Richards to show him my drawings for a new house. He said not to worry and that we could tear down. We just needed a zoning variance for the back porch since that was the only setback changing. I don't have this in writing I only have my emails to him regarding the zoning for the porch and my email to our architect giving her the green light on tearing down and the go ahead to formally draw my drawings. We are so sad to hear about Dave's passing he was so wonderful to us. I hope you will take all of this into consideration. We really want to build this house for ourselves. The zoning in our neighborhood doesn't work if one needs to remove the old structure. Thankyou Heather and Rennie



**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:

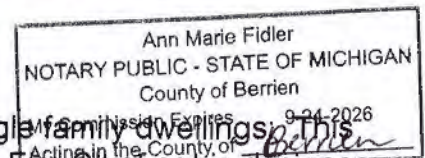
I, Hunter O'meara, hereby certify that all information contained in this application and accompanying documentation is true and correct to the best of my knowledge and further, I acknowledge the required attendance of the applicant as set forth in paragraph A above. I furthermore grant permission for 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: Hunter O'meara Date: 12/21/20

D) Notary Public Certification Statement:

I, Ann Marie Fidler, Notary Public in and for the State of Michigan this 21<sup>st</sup> day of December, 2021 the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: 09-24-2026 Ann Marie Fidler

**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: \_\_\_\_\_

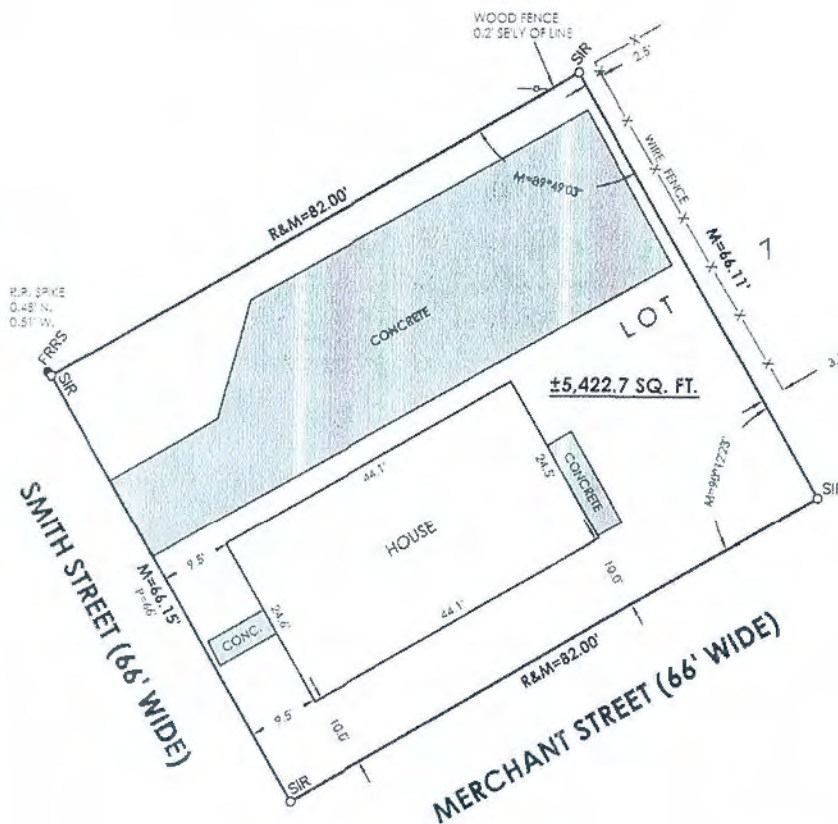
Initial meeting date: \_\_\_\_\_



## CERTIFICATE OF SURVEY

I, MATTHEW REINKING, A LICENSED PROFESSIONAL SURVEYOR, NUMBER 54057, IN MICHIGAN, CERTIFY THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND: LOT 7, BLOCK 10 OF THE VILLAGE (NOW CITY) OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER C OF DEEDS, PAGE 105, BERRIEN COUNTY RECORDS, EXCEPTING THE EASTERLY 50 FEET THEREOF.

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE, IF ANY EXIST.



*Matthew Reinking*  
MATTHEW REINKING  
LICENSED PROFESSIONAL SURVEYOR No. 54057

*2/17/2020*  
DATE OF CERTIFICATE

### LEGEND

- R = RECORDED
- P = PLATTED
- M = MEASURED
- FRRS = FND. R.R. SPIKE
- SIR = SET IRON ROD



SCALE: 1" = 20'



THIS SURVEY WAS BASED ON THE INCLUDED LEGAL DESCRIPTION AS IT APPEARS ON A DEED OR TITLE INSURANCE POLICY, AND SHOULD BE COMPARED WITH THE ABSTRACT OF TITLE OR TITLE INSURANCE POLICY FOR ACCURACY. EASEMENTS OR EXCEPTIONS, ANY WRITTEN OR UNWRITTEN RIGHTS OF ADJOINERS ARE UNKNOWN UNLESS SPECIFICALLY NOTED.

PREPARED FOR:	DRAWN BY: MGR	PART OF LOT 7 BLOK 10
HEATHER O'MEARA	APPROVED BY: MAF	PLAT OF NEW BUFFALO
CHICAGO TITLE INSURANCE COMPANY	DATE: 2/13/2020	CITY OF NEW BUFFALO
	SCALE: 1" = 20'	SHEET 1 OF 1

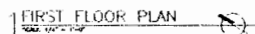












MARVIN ELEVATE SERIES WINDOW SCHEDULE					
MARK	TYPE	NUMBER	QTY	R.O.	
A	CASINGMENT	ELOC4020	03	PER MANUFACTURER	
B	CASINGMENT	ELOC4020	06	PER MANUFACTURER	
C	DOUBLE HUNG	ELOC4040	01	PER MANUFACTURER	
D	DOUBLE HUNG	ELOC4040	02	PER MANUFACTURER	
E	DOUBLE HUNG	ELOC4074**	22	PER MANUFACTURER	
F	DOUBLE HUNG, MULLED	SLELH0056	01	PER MANUFACTURER	
G	CASINGMENT	ELOC3355			

**NOTES:**

1. ALL WINDOWS ARE WOOD INTERIOR AND FRAMELESS GLAZE WOOD EXTERIOR. DOUBLE GLAZED, LARGEST SIZE WINDOW LISTED IS STANDARD.
2. PROVIDE FIRE-FINISHED INTERIOR SHIPS.
3. IF STAINLESS STEEL OR ALUMINUM FINISHING.
4. PROVIDE INJECT STOPDRA.
5. HARMONIZE FINISH TO BE SELECTED BY OWNER.
6. INTERIOR GLAZE COLOR IS TO BE SELECTED BY OWNER.
7. INTERIOR FINISH IS TO BE SELECTED BY OWNER.
8. PROVIDE NATIONAL ENERGY CODES FOR FINE EVALUATION, LOOK CODES MAY VARY.
9. PROVIDE DISCREET GLAZES IN WINDOWS AS REQUIRED BY CODE.
10. PROVIDE DISCREET WINDOWS AS DIRECTED BY ARCHITECT.

O'MEARA RESIDENCE  
103 N. SMITH STREET  
NEW BUFFALO, MI 49117

**HEIDI HORNADAY, Architect, P.C.**  
P.O. Box 815  
New Buffalo, MI 48117  
Phone 248-460-3554  
Fax 248-460-0522  
thornaday@hthornadayarch.com

NOTE: ALL INFORMATION SHALL BE FIELD VERIFIED.

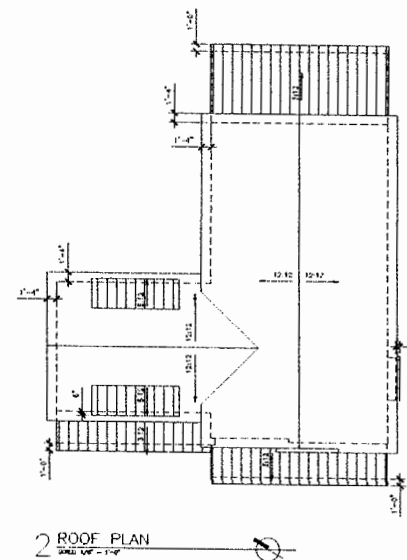
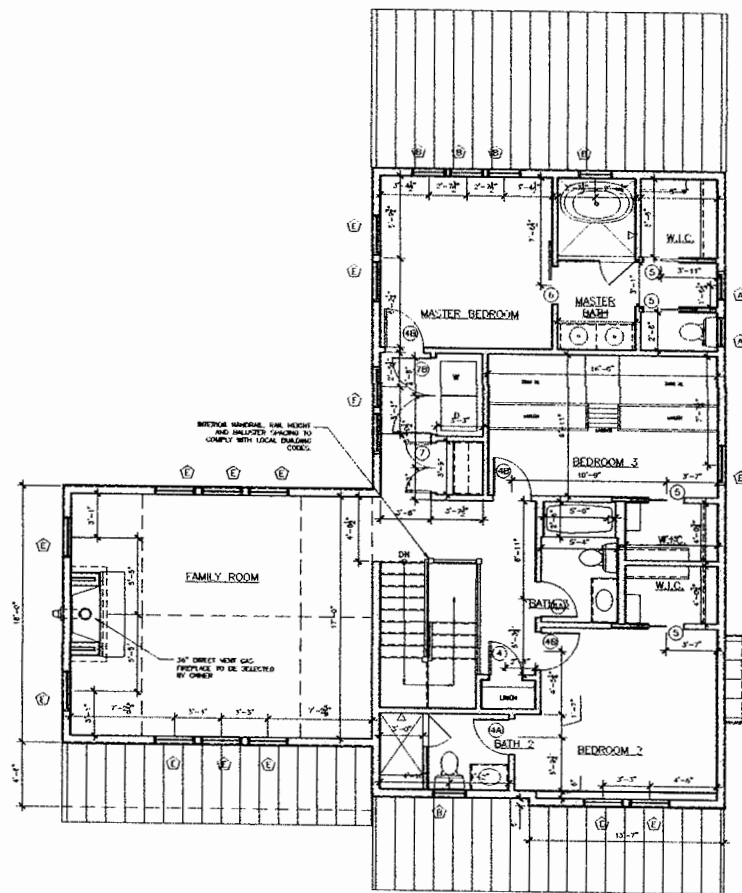
11.24.2020	PERMIT REVIEW
------------	---------------

FIRST FLOOR PLAN

Year	AS NOTED	Working on
2011	11.11.2010	

A2





## KEY NOTES

**O'MEARA RESIDENCE**  
103 N. SMITH STREET  
NEW BUFFALO, MI 49117

**HEIDI HORNADAY, Architect, P.C.**  
P.O. Box 916  
New Buffalo, MI 48117  
Phone 269-452-3554  
Fax 269-452-0522  
[hormondayarch.com](mailto:hornaday@hormondayarch.com)

NOTE: ALL INFORMATION SHALL BE FIELD VERIFIED.

11.24.2020 PERMIT REVIEW

SECOND FLOOR PLAN  
ROOF PLAN

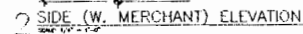
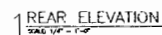
Case	AC NOTED
Date	11.11.2020
Next Entry No.	111-111
Given by	HJH
Checked by	

A3









A5

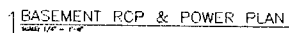












## GENERAL NOTES

- [illegible]

O'MEARA RESIDENCE  
103 N. SMITH STREET  
NEW BUFFALO, MI 49117

HEIDI HORNADAY, Architect, P.C.

P.O. Box 916  
New Buffalo, MI 48117

Phone: 800-368-6868

Phone 202-462-3854

**Fax: 200-450-0022**  
[Information@ethicon.com](mailto:Information@ethicon.com)

\_\_\_\_\_

NOTE: ALL INFORMATION SHALL BE FIELD VERIFIED.

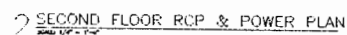
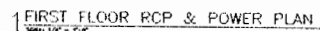
11-24-2020 DELIVERY REQUIRED

BASEMENT POWER  
AND RCP PLAN

Date	AS NOTED	Drawing No.  <div style="font-size: 2em; float: right;">E1</div>
Date	11.11.2020	
Work Order No.	---	
Approved by	MLH	
Checked by	---	

E1





SEARCHED ☐ INDEXED ☐  
SERIALIZED ☐ FILED ☐  
MAR 1964  
FBI - NEW YORK

E





#### Overview



#### Legend

- Railroads
- Roads**
  - <all other values>
  - Interstate
  - Major Arterial
  - Minor Arterial
  - Roads
- Parcels
- Lakes
- Rivers
- Parcel
- Lake Michigan

Parcel ID	11-62-0340-0115-00-7	Alternate ID	n/a	Owner Address	O MEARA HEATHER
Sec/Twp/Rng	n/a	Class	401		1200 SHORE DR
Property Address	103 N SMITH ST	Acreage	n/a		NEW BUFFALO, MI 49117
	NEW BUFFALO				
District	11200				
Brief Tax Description	THE SW'LY 82' OF LOT 7 BLK 10 VILL PLAT OF NEW BUFFALO				
	(Note: Not to be used on legal documents)				

Date created: 1/7/2021  
Last Data Uploaded: 1/7/2021 2:30:34 AM

Developed by **Schneider**  
GEOSPATIAL



HEATHER O'MEARA

71-132/712

1007

DATE 12/21/20

4. REMOVE ONLY. DO NOT REMOVE  
SPECIALLY PRINTED SECURITY



PAY TO  
THE ORDER OF

City of New Buffalo

\$ 350.00

Three hundred fifty and 00/100-

DOLLARS

Heat  
Reactive  
ink

HORIZON

BANK  
MICHIGAN CITY, IN 46360  
www.horizonbank.com

MEMO

103 W. Smith zoning

Hutton

MP

LOOK FOR FRAUD-DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.





## **City of New Buffalo**

### **Zoning Board of Appeals Staff Report**

**Hearing Date:** February 3, 2021

**Project Number:** PT21-0003

**Applicant:** John R Sims

**Subject Property Address:** 301 W Mechanic, New Buffalo, MI 49117

**Nature of the Request:** Allow a 6' privacy fence in the designated front yard.

**Zoning District:** R-1

### **OVERVIEW**

The applicant is requesting a variance to construct a 6' privacy fence in the designated front yard. Zoning ordinance section 3-5 B. limits fence height to 3 ½ feet in the front yard. 301 W. Mechanic is a corner lot, which means there are two front yard designations.

**Recommendation:** Upon review of the application materials, validation of the facts reported, site inspection and evaluation of each of the criteria required for review and noted in this staff report, it is the recommendation of the Zoning Administrator to approve the requested 6' fence variance. Based on the zoning criteria for approval.

Respectfully submitted,

Ted Hanson  
Building Official  
City of New Buffalo



- A. A corner lot shall have two front lot lines: a principal front lot line and a secondary front lot line. The principal front lot line shall be the shorter of the two lot lines. Where the lot lines are of equal length, and/or the principal front lot line is not evident, then the Zoning Administrator shall determine the principal front lot line.
- B. General provisions.
  - 1. The required front setback shall be met on both the principal and secondary streets; provided that where the lot contains an existing main building, the front setback from the secondary street may be reduced by 10 feet.
  - 2. The remaining setbacks shall be a side setbacks.
  - 3. The width of a corner lot shall be determined by the entire length of that front lot line which is opposite the rear lot line.

### **Section 3-4 Main building or principal use.**

Each parcel shall contain only one main building or principal use, except for groups of related commercial, industrial, and office buildings, and multiple-family dwellings, contained within a single, integrated complex, sharing parking, signs, access, and other similar features which together form a unified function and appearance.

### **Section 3-5 Fences.**

- A. Fences in residential districts shall not exceed six feet in height, measured from the surface to the uppermost portion of the fence.
- B. Fences erected within the front yard in any district shall not exceed 3 1/2 feet in height. Fences within the front yard shall be of a type which is not more than 50% solid and shall not be located within any clear vision area, per Section 3-13.
- C. Fences in residential districts or enclosing residential uses shall not contain barbed wire or be electrified.
- D. In residential districts, the finished side of the fence shall face the abutting property.
- E. Fences shall not be erected within any public right-of-way in any district.
- F. Fences shall not be erected within two feet from a sidewalk, where the sidewalk is within the public right-of-way.

### **Section 3-6 Required area or space.**

No lot, yard, courtyard, parking area or other space shall be so reduced in area or dimension as to make said area or dimension less than the minimum required under this ordinance. If already less than the minimum required under this ordinance, said area or dimension shall not be further reduced.

### **Section 3-7 Illegal dwellings.**

A portion of a detached garage or accessory building may contain one sleeping room; provided such sleeping room contains sanitary facilities and meets all applicable local and state codes; and further provided no kitchen facilities shall be contained within the detached garage or accessory building. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the City Building Code and other applicable regulations. In no case, shall any living space located in a basement be counted toward the required floor area requirement for the district in which it is located.

### **Section 3-8 Keeping of animals.**

- A. The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any Residential District.
- B. The keeping of animals not normally considered household pets, including, but not limited to, horses, pigs, sheep, cattle, and poultry is prohibited in all zoning districts.
- C. Any area where such permitted animals are kept shall be maintained in a safe and sanitary condition.











City Staff  
Use Only

Project Name

Project Number

Review Fee Paid

Escrow Fee Paid

CITY OF NEW BUFFALO

DEC 21 2020

RECEIVED

 Paid  
 11/11/21  
 \$350.00

62-0346-0097-01-7

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 John R Sims

Address

Telephone

E) Property owner(s) principal contact:

Name John R Sims

Address

Telephone

B) Applicant(s) secondary contact:

Name

Address

Telephone

F) Architect (if applicable):

Name

Address

Telephone

C) Agent or Attorney (if applicable):

Name

Address

Telephone

G) Engineer (if applicable):

Name

Address

Telephone

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

Sims



**II. Purpose of Application**

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

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Rezoning of Property                     | <input type="checkbox"/> Subdivision Approval            | <input type="checkbox"/> Site Plan Approval   |
| <input type="checkbox"/> Rezoning Amendment                       | <input checked="" type="checkbox"/> Variance(s) Approval | <input type="checkbox"/> Special Use Approval |
| <input type="checkbox"/> Lot Split – Subdivision or Land Division | <input type="checkbox"/> Other: _____                    |   |

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

Request is to place approximately 30' of a 6' high privacy fence, Barrington style, along the courtyard  
and proposed outdoor shower of 301 W. Mechanic St, facing Smith street. This fence would provide  
privacy for outdoor dining courtyard, future outdoor shower, and limit visual and physical access to the  
backyard pool. Current fence present at purchase is also not of code is decrepit and requires replacement.  
Please refer to design for details of placement. Any further fencing around house between house and  
street would consist of a small white picket fence.

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:

Article 3-5-B

+ 3-5-

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:



**III. Site and Surrounding Property Information**

A) Common address or property location of subject property:

301 W Mechanic St  
  
  

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

Lot1, NW'LY 1/2 Lot 2, Block 9, Plat of New Buffalo, City of New Buffalo  
  
  
C) Permanent Real Estate Tax Identification Number: 11-62-0340-0097-01-7

D) Parcel Size: \_\_\_\_\_ Square feet

\_\_\_\_\_ Acres

132.1' W Mechanic Dimension of lot frontage99.63' Smith 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:	<u>Residential</u>	<u>Residential</u>
2. Adjoining property:		
a) North of Site	<u>Residential</u>	<u>Residential</u>
b) South of Site	<u>Residential</u>	<u>Residential</u>
c) East of Site	<u>Residential</u>	<u>Residential</u>
d) West of Site	<u>Residential</u>	<u>Residential</u>

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

NA



**IV. Description of the Proposed Development**

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

NA

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

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						
Two Family R-2						
Mufty-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:

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: \_\_\_\_\_

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 \$ \_\_\_\_\_.
- E) \_\_\_\_\_ High Risk Dune Area Designation and/or Soil Conservation Analysis (if applicable).
- F) \_\_\_\_\_ Application for permits (specify type):
- 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):

See section B and attachments



**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, John Sims, 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: John R Sims Date: Dec 13, 2020

D) Notary Public Certification Statement:

I, \_\_\_\_\_, Notary Public in and for the State of Michigan this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: \_\_\_\_\_

**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: \_\_\_\_\_



Sims

Project no. 16097

Design intent is curated by design staff and therefore intention of this plan is to be installed by Creative Landscaping Inc.

Date 2020-12-12

Phase of project: Final Master Design

**Sims, Kara**  
301 W Mechanic Street  
New Buffalo, Michigan 49085

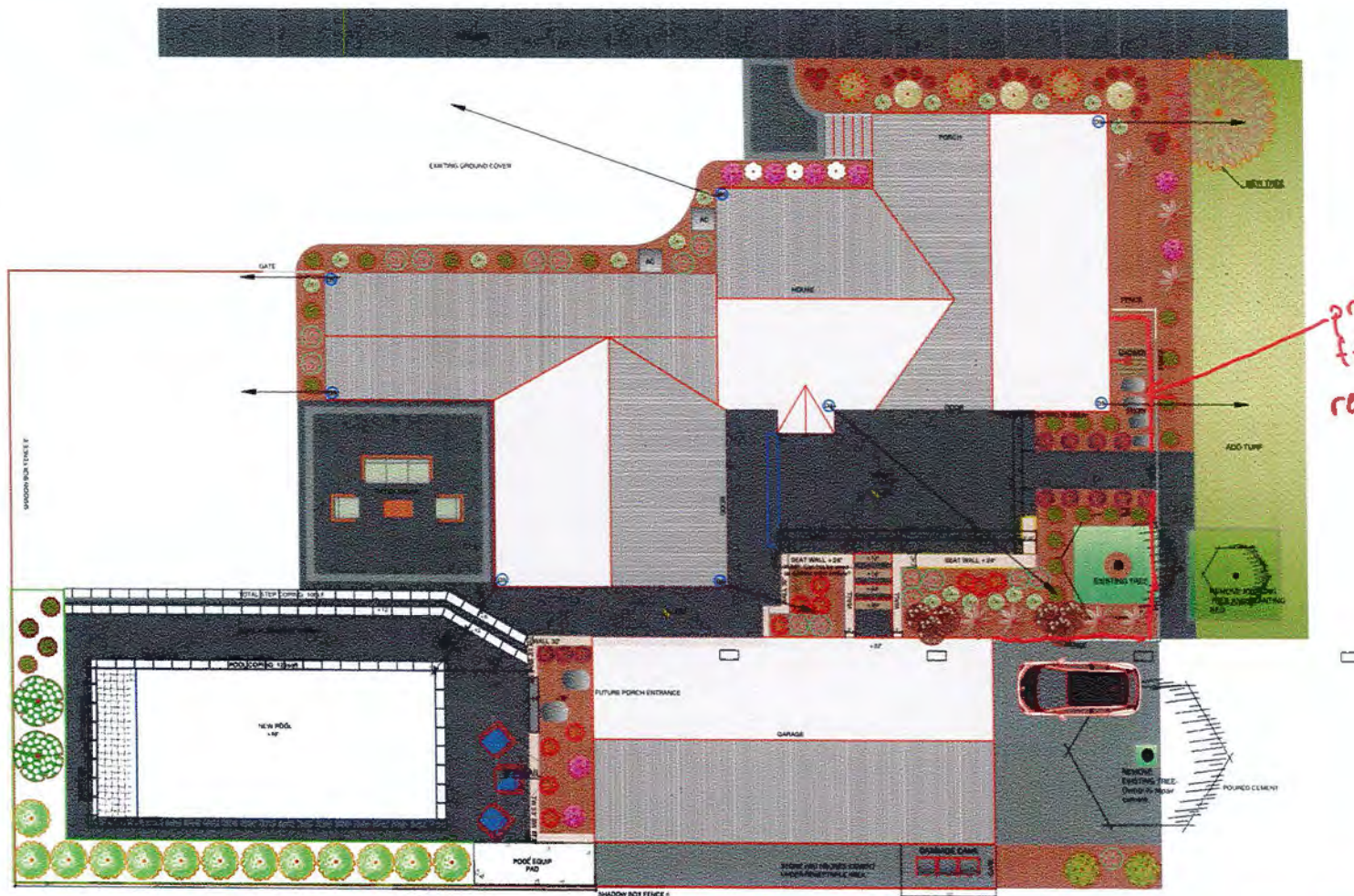
Revisions



5360 M-139,  
ST. JOSEPH, MI 49085  
Telephone: 269-473-1354  
creativelandscapinginc.com

concept documents

Drawn by: AP Check by: VJL



LANDSCAPE PLAN



PLANT SCHEDULE



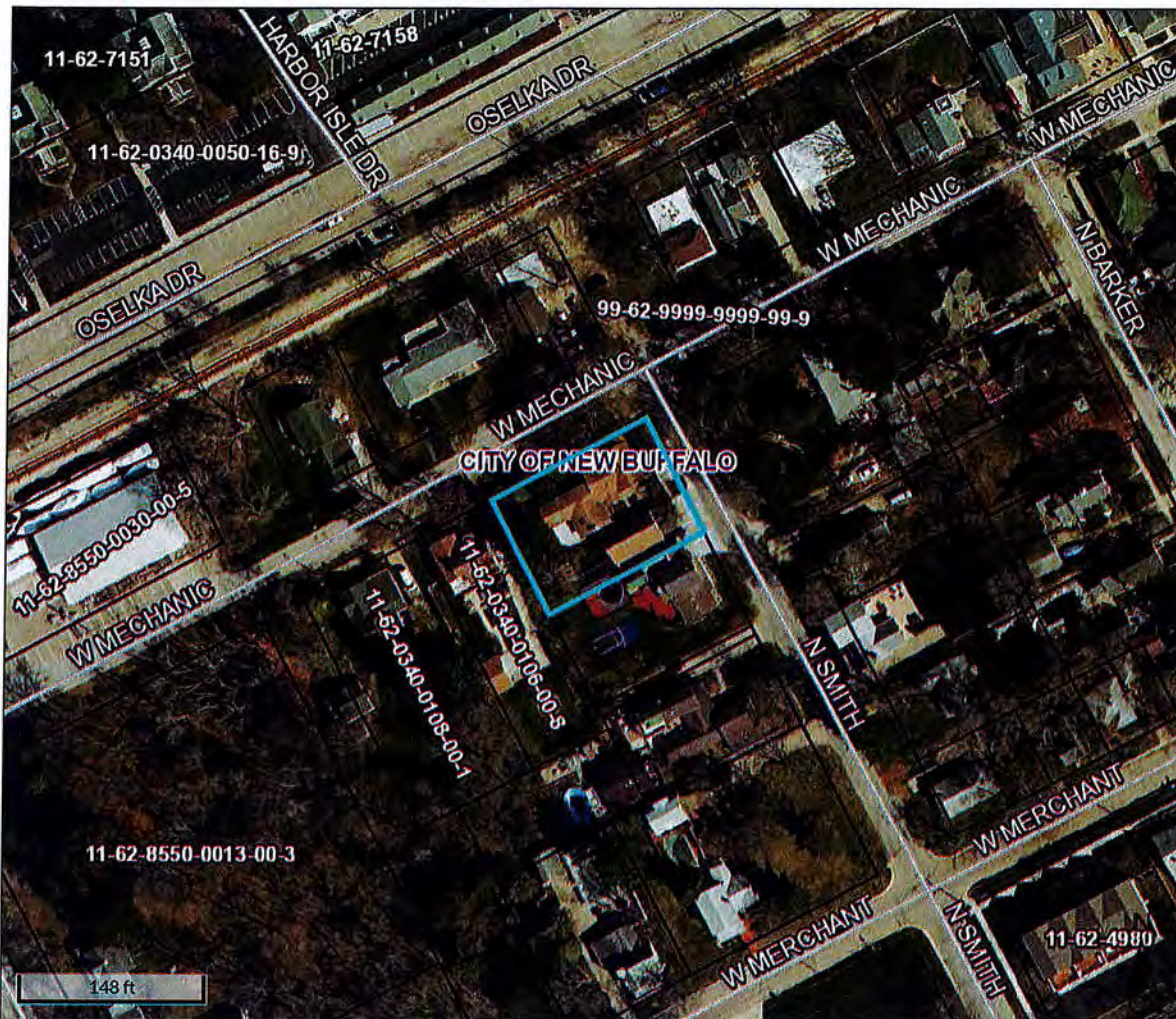
TREES	CODE	QTY	BOTANICAL NAME								
	CA4	1	Cornus canadensis 'Ace of Hearts'		AST V23	18	Amelbe chinensis 'Vision in White'		EF	11	Echinacea x 'Eglow'
	THU TST	13	Thuja occidentalis 'Emerald Green'		BL	16	Buddleia x 'Plumberry Petite' 'Tutti Frutti Pink'		ER	6	Eupatorium rugosum 'Chocolate'
					BT3	25	Buxus x 'Spiralis'		HYD INC	2	Hydrangea arborescens 'Incrediball'
SHRUBS	CODE	QTY	BOTANICAL NAME								



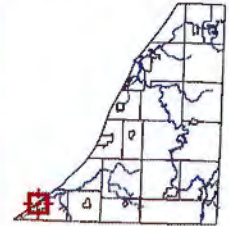


Fence Style





## Overview



## Legend

- Railroads
- Roads
  - <all other values>
  - Interstate
  - Major Arterial
  - Minor Arterial
  - Roads
- Parcels
- Lakes
- Rivers
- Parcel
- Lake Michigan

Parcel ID	11-62-0340-0097-01-7	Alternate ID	n/a	Owner Address	SIMS JOHN RANDALL & SIMS KARA CLINE
Sec/Twp/Rng	n/a	Class	401		285 N ELM ST
Property Address	301 W MECHANIC ST	Acreage	n/a		ZIONSVILLE, IN 46077
	NEW BUFFALO				
District	11200				
Brief Tax Description	LOT 1 & THE NWLY 1/2 OF LOT 2 BLK 9 VILLAGE PLAT OF NEW BUFFALO UNRE SUR				
	(Note: Not to be used on legal documents)				

Date created: 1/7/2021

Last Data Uploaded: 1/7/2021 2:30:34 AM

Developed by Schneider  
GEOSPATIAL



# CITY OF NEW BUFFALO

Receipt: 88388

01/11/21

224 W. BUFFALO STREET  
NEW BUFFALO, MI 49117

Cashier: SBOONE  
Received Of: JOHN R SIMS II

(269) 469-1500

The sum of: 350.00

VAR	VARIANCES		350.00
		Total	350.00

CHECK	234	350.00
-------	-----	--------

Signed: \_\_\_\_\_





**City of New Buffalo**  
**Zoning Board of Appeals**  
**Staff Report**

**Hearing Date:** February 3, 2021

**Project Number:** PT21-0001

**Applicant:** Tim Hancz

**Subject Property Address:** 910 Lake Drive, New Buffalo, MI 49117

**Nature of the Request:** Allow a side yard set back of 5 feet instead of the required 10 feet for an inground pool.

**Zoning District:** R-1

**OVERVIEW**

The applicant is requesting a reduction in the required side yard setback for an inground pool which currently requires a 10' foot set back. Applicant because of yard size is requesting a 5' foot setback for one side yard.

The property at 910 Lake drive is currently being renovated and utilized as a single family residence and the dwelling constitutes an allowable primary structure. The pool must be surrounded by a 4' fence with locking gates and must comply with the Michigan Building Codes.

**Recommendation:** Upon review of the application materials, validation of the facts reported, site inspection and evaluation of each of the criteria required for review and noted in this staff report, it is the recommendation of the Zoning Administrator to approve the requested side yard setback variance and allow the applicant to construct the pool within 5' of the side property line.

Respectfully submitted,

Ted Hanson  
Building Official  
City of New Buffalo



## Zoning Ordinance Provisions

### Section 3-14, SWIMMING POOLS

B. Swimming pools shall not be located less than 10' from any lot line or any main building. The coach house is an accessory building and does not require a variance.

### Section 21-5 JURISDICTION

The Zoning Board of Appeals shall not have the power to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this Section and the laws of the State of Michigan. The powers of the Zoning Board of Appeals include:

#### B. Granting of Variances

A variance from the specific requirements of this Ordinance may be granted by the Zoning Board of Appeals in accordance with the requirements and procedures of this Article.

### SECTION 21-8 VARIANCE PROCEDURES

#### A. Authority for Variances

The Zoning Board of Appeals, after public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.

#### B. Granting of Non-Use Variances

A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district;

*There are no apparent extraordinary circumstances applying to the subject property making compliance impossible. The proposed pool is 18'x36' and it seems a smaller pool may require a lesser variance and be a reasonable request unless the property owner can explain why a pool of such large dimensions is essential.*

2. That the condition or situation of the specific piece of property for which the variance is sought is not of 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 Article, 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 Article would involve practical difficulties;

*The location of the coach house presents a dimensional, topographical or other characteristics that should be considered a practical difficulty.*



3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

*This variance is not necessary for the preservation and enjoyment of any substantial property right similar to that possessed by other properties in the same zoning district.*

4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

*The variance will not be detrimental to adjacent properties nor the surrounding neighborhood.*

5. The variance will not impair the intent and purpose of this Ordinance.

*Granting a variance will impair the intent and purpose of the City of New Buffalo's Zoning Ordinance by limiting the authority of the building permitting and inspection process.*

6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

*The variance requested is not created by the proposed actions of the property owner.*

## **SECTION 21-6 DECISIONS**

### **D. Decisions**

1. The concurring vote of a majority of the membership of the Board shall be required to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass, or to effect a variation in the ordinance; except that a concurring vote of two-thirds (2/3) of the membership shall be necessary to grant a use variance.

2. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it within sixty (60) days after the hearing thereon.

3. All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Board shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.

4. Any variance granted by the Board shall only be valid for a period of twelve (12) months from the date of approval, unless substantial construction, as determined by the Board, has occurred and is progressing meaningfully toward completion. The Board may grant up to an additional twelve (12) month extension, if requested by the property owner in writing prior to the expiration of the original twelve (12) month period, upon showing that the expiration of the variance will cause an undue hardship on the owner.

### **E. Record of Actions**

For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:



1. Description of the applicant's request.
  2. The Zoning Board of Appeal's motion including an explanation of how the request meets each standard outlined in Sec. 21-8 B, for Non-Use Variances, or Sec. 21-8 C, for Use Variances, or conversely, an explanation of how the request does not meet each said applicable standard.
  3. The Board's vote on the motion.
  4. A summary or transcription of all relevant material and evidence presented at hearing; and,
  5. Any conditions attached to an affirmative decision.
-















City Staff  
Use Only

Project Name  
Project Number  
Review Fee Paid  
Escrow Fee Paid

RECVD

DEC 15 2020

CITY OF NEW BUFFALO

**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

Tim HANEZ

Address

Telephone

E) Property owner(s) principal contact:

Name

Same

Address

Telephone

B) Applicant(s) secondary contact:

Name

Same

Address

Telephone

F) Architect (if applicable):

Name

Address

Telephone

C) Agent or Attorney (if applicable):

Name

Address

Telephone

G) Engineer (if applicable):

Name

Address

Telephone

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:

\* 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:

am requesting 5' variance from ~~10' 10'~~  
required 10' on WEST property line  
for pool.

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:

I DONT KNOW

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 prop~~ The pool will be too close  
to house if required 10' setback  
enforced, pool is small already 12x24.



**III. Site and Surrounding Property Information**

A) Common address or property location of subject property:

910 Lake Dr

New Buffalo ME 04917

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

ATTACHED TO OTHER APPLICATION

C) Permanent Real Estate Tax Identification Number:

ATTACHED TO OTHER APPLICATION.

D) Parcel Size:

Square feet

Acres

Dimension of lot frontage

Dimension of lot depth

ALL ON  
SURVEY SENT  
WITH OTHER  
APPLICATIONS

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

Current zoning

Current land use

1. On Site:

I DON'T

KNOW

2. Adjoining property:

a) North of Site

b) South of Site

c) East of Site

d) West of Site

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

LAKE PROPERTY WITH SEA WALL, SHED HAS  
BEEN REMOVED.



**IV. Description of the Proposed Development**

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

same

B) What is the proposed time frame for the build-out of this development: \_\_\_\_\_

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	2200	2200	2	—	—
Two Family R-2						
Mufty-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:

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: \_\_\_\_\_

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 \$\_\_\_\_\_.
- E) ☐ High Risk Dune Area Designation and/or Soil Conservation Analysis (if applicable).
- F) ☐ Application for permits (specify type):
- 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):

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.



**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, Tim Hartz, 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

Date: 12/10/20

D) Notary Public Certification Statement:

I, \_\_\_\_\_, Notary Public in and for the State of Michigan this \_\_\_\_\_ day of \_\_\_\_\_, the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: \_\_\_\_\_

**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: \_\_\_\_\_

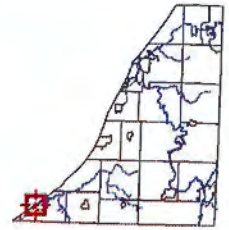
Date: \_\_\_\_\_

Initial meeting date: \_\_\_\_\_





#### Overview



#### Legend

- Railroads
- Roads**
  - <all other values>
  - Interstate
  - Major Arterial
  - Minor Arterial
  - Roads
- Parcels
- Lakes
- Rivers
- Parcel
- Lake Michigan

Parcel ID	11-62-7210-0004-00-1	Alternate ID	n/a	Owner Address	HANCZ TIMOTHY
Sec/Twp/Rng	n/a	Class	401		606 CEDAR ST
Property Address	910 LAKE DR	Acreage	n/a		SAINT CHARLES, IL 60174
	NEW BUFFALO				
District	11200				
Brief Tax Description	LOT 4 SUNSET SHORES NO 2				
	(Note: Not to be used on legal documents)				

Date created: 1/7/2021  
Last Data Uploaded: 1/7/2021 2:30:34 AM

Developed by **Schneider**  
GEOSPATIAL





EMAIL: [manager@cityofnewbuffalo.org](mailto:manager@cityofnewbuffalo.org)  
WEBSITE: [www.cityofnewbuffalo.org](http://www.cityofnewbuffalo.org)  
Authority: 1972 PA 230  
Completion: Mandatory to obtain permit  
Penalty: Permit cannot be issued

269-469-1500  
269-469-7917

### ZONING PERMIT APPLICATION

A drawing (site plan shown from a "bird's eye" view) indicating property lines, location of all buildings presently on the property and location of the proposed new structure(s), must be submitted with this application. The site plan should also include measurements from your new project to property lines and distances between all buildings. The project must be marked in some way (in ground with stakes or on ground with painted markings). "Change of Use" applicants are exempt from providing a site plan as indicated and instead, will provide a statement of the proposed new use of the existing structure.

#### I. Job Location

JOB Address <u>910 Lake Dr</u>	Name of Owner <u>TIM HANZ</u>
Name of City, Village or Township in which job is located: <u>NEW BUFFALO MI 49117</u>	County <u>Berrien</u>

#### II. Applicant (Contractor/Property Owner Information)

<input type="checkbox"/> Contractor <input checked="" type="checkbox"/> Owner <u>TIM HANZ</u>	Address <u>910 Lake Dr</u>	City, State <u>New Buffalo, MI</u>	Zip <u>49117</u>
Telephone [REDACTED]	Fax [REDACTED]		

#### III. Type of Job (PLEASE MARK NO MORE THAN ONE APPLICABLE)

<input type="checkbox"/> New Addition	<input checked="" type="checkbox"/> Single Family or Two Family Home <u>Circle One</u>	<input type="checkbox"/> Outbuilding (Barn/Shed/Carport) <u>Circle One</u>
<input checked="" type="checkbox"/> Alteration/Remodel <u>Circle One</u>	<input type="checkbox"/> Mobile Home or Prefab <u>Circle One</u>	<input type="checkbox"/> Garage (Attached/Detached) <u>Circle One</u>
<input type="checkbox"/> Change of Use (Current Use _____)	<input type="checkbox"/> Fence - Indicate Type Here _____	<input type="checkbox"/> Pool (Above/Below Ground) <u>Circle One</u>
<input type="checkbox"/> Other _____	<input type="checkbox"/> Foundation Only	<input type="checkbox"/> Commercial Building
	<input type="checkbox"/> Deck/Porch <u>Circle One</u> (Attached/Detached) <u>Circle One</u>	

#### IV. Project Dimensions

<u>32'</u> Project Width	<u>41'</u> Project Length	<u>28'</u> Project Height (from grade to highest point)	<u>2</u> # of Floors	<u>2200</u> Total Square Feet
--------------------------	---------------------------	---	----------------------	-------------------------------

#### V. Zoning Questions (PLEASE CIRCLE YES OR NO)

Does this property have frontage on two roads?	YES	<u>NO</u>
Does this property have lake frontage?	<u>YES</u>	NO
Is there a dwelling presently on this property?	<u>YES</u>	NO
Is there an accessory building presently on this property?	<u>YES</u>	NO
Is the construction located within 500 ft of a lake, stream, or natural body of water?	<u>YES</u>	NO
Will the construction require the moving of one surface acre or more of land?	YES	<u>NO</u>
If construction is for an accessory building, will it contain animals?	YES	<u>NO</u>



VI. **Responsibilities of Applicant:** It is your responsibility to be aware of any deed restrictions, subdivision regulations, flood plain regulations, and wetland regulations. I have read, acknowledged, and will comply with all of the above and with the land use regulations, as determined by the zoning administrator, or will go to the proper board for a variance/special consideration and will provide in writing such approvals, if granted, to the zoning administrator.

APPLICANT SIGNATURE

Tim Hancz

DATE

12/1/20

Zoning Official's Signature

Date



Tim Hancz  
910 Lake Drive  
New Buffalo, IL 49117

December 2, 2020

City of New Buffalo, Michigan  
224 W Buffalo Street  
New Buffalo, MI 49117

PROPOSED POOL FOR TIM HANCZ  
910 LAKE DRIVE, NEW BUFFALO, MI 49117


RE: Zoning variance request for 5' setback from West property line from required 10' setback

**Project Description** - Install 12'x24' inground pool 5-6' on deep end, 3' on shallow end. The deep end will have a ladder built into wall and shallow end will have corner steps. Pool will have foundation with 3" stone base, steel walls and vinyl liner. Pool will have automatic cover with vermiculite pool floor. Salt water treated. 36"x4" concrete apron around pool. No slide or diving board. Pool will have required 48" (or more) fence around it.

**Legal Description** - Lot 4 in Sunset Shores No. 2, City of New Buffalo, Berrien County, Michigan, according to the Plat thereof, recorded in Liber 13 of Plats, Page 6, Berrien County Records.

Tax ID - 11-62-7210-0004-00-1

Respectfully submitted,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke.

Tim Hancz, Owner

Enclosures



# MICHIGAN PROPERTY SURVEY

COMPANY ORDERED BY: Coldwell Banker Realty  
CONTACT PERSON: Chad Gradowski  
FIELD WORK DATE: 07 Oct 20  
PROJECT NO.: M-206225

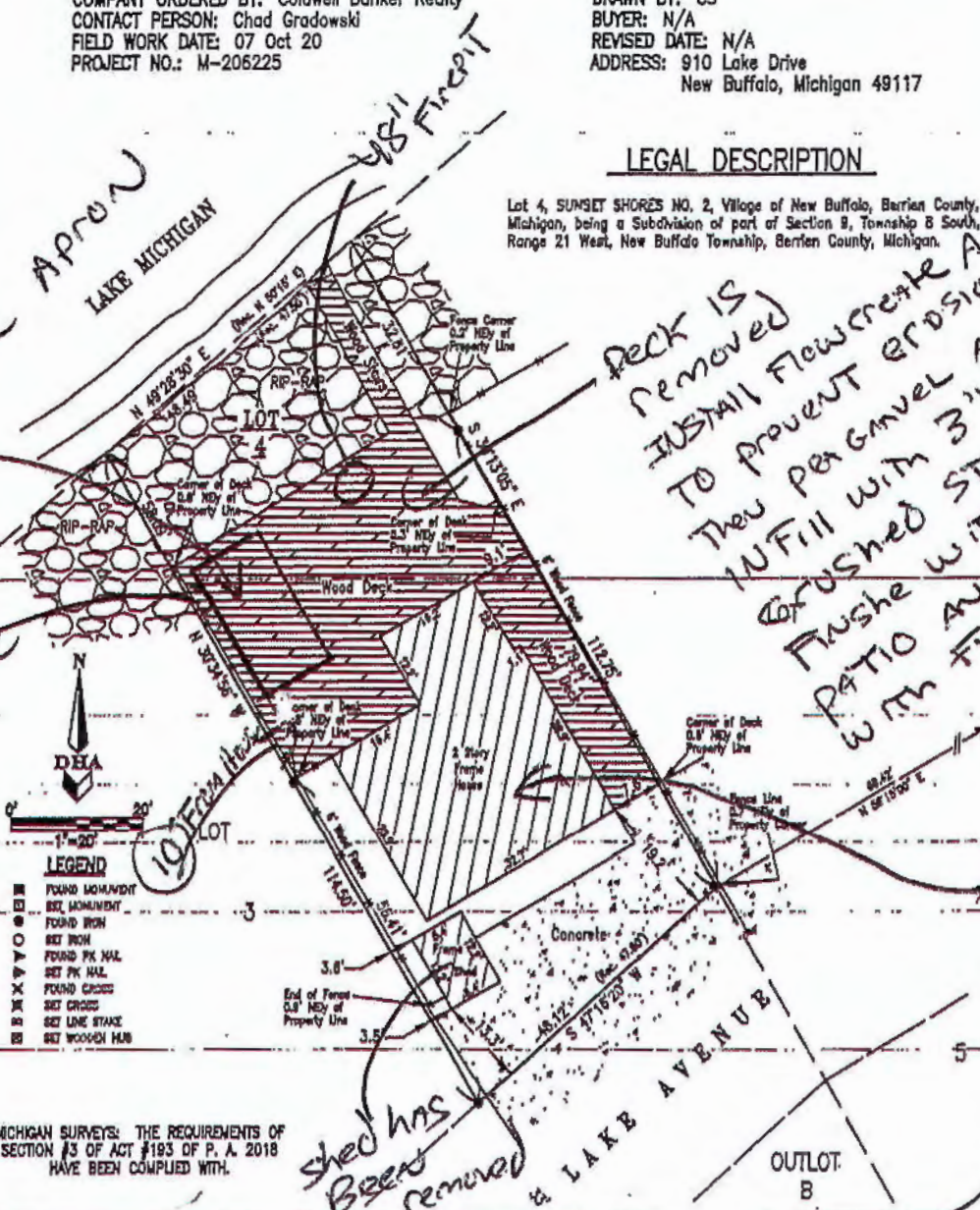
DRAWN BY: CS  
BUYER: N/A  
REVISED DATE: N/A  
ADDRESS: 910 Lake Drive  
New Buffalo, Michigan 49117

## LEGAL DESCRIPTION

Lot 4, SUNSET SHORES NO. 2, Village of New Buffalo, Berrien County, Michigan, being a Subdivision of part of Section 8, Township 8 South, Range 21 West, New Buffalo Township, Berrien County, Michigan.

12x24 Pool  
36" Concrete Apron

5' From West Prop Line  
T.D.H.



Deck IS removed  
INSTALL Flowcrete AGAINST EXISTING  
TO prevent erosion From lake  
Then per gravel AND SILT Layer  
IN Fill with 3" STONE AND  
Crushed Stone compacted  
Patio AND Greenspace  
with Firepit.

SLAB  
Home  
2200#  
50 feet  
2 story  
NO Garage  
or Shed

MICHIGAN SURVEYS: THE REQUIREMENTS OF  
SECTION 13 OF ACT #193 OF P. A. 2018  
HAVE BEEN COMPLIED WITH.

TO: Tim Hancz

I, the undersigned am a Registered Land Surveyor in the State of Michigan and hereby certify that I have surveyed the Lands hereon described and delineated; That a FIELD ERROR OF CLOSURE was no greater than 1 in 5,000; That the attached plat is a true representation of said survey; That there are no encroachments other than as shown.

Ronald Lee Harner P.S. #4001022438

**Danch, Harner & Associates, Inc.**

**DHA**

Land Surveyors • Professional Engineers  
Landscape Architects • Land Planners

[www.danchharner.com](http://www.danchharner.com)

Office 268-471-3010 • Fax 268-471-7237

208 W. Main Street • Berrien Springs, MI 49103  
© Copyright 2018 Danch, Harner & Associates, Inc.

Tim Hancz

12/3/20



②

QUESTIONS

PLEASE

A SITE PLAN MUST BE SUBMITTED THAT INCLUDES

- A description of the project ✓
- North arrow ✓
- Legal description or address and Tax ID # of the subject property ✓
- Location of the property lines and an illustration of the setbacks ✓
- Dimensions of the parcel, the development area and open space ✓
- Location of existing and proposed structures on the site and within 50' of the parcel. Include length, width, height and total square footage of all structures
- Location of adjoining streets, sidewalks and private easements ✓
- Any other information helpful in making a determination ✓

QUESTIONS

① CAN you pull ~~from~~ <sup>From</sup> your plat Books  
I DON'T have Neighboring properties.  
or do I have to come in and do?

② CAN I come to meeting  
AND IF SO, when AND where?

VI. Responsibilities of Applicant: It is your responsibility to be aware of any deed restrictions, subdivision regulations, flood plain regulations, and wetland regulations. I have read, acknowledged, and will comply with all of the above and with the land use regulations, as determined by the zoning administrator, or will go to the proper board for a variance/special consideration and will provide in writing such approvals, if granted, to the zoning administrator.

APPLICANT SIGNATURE

DATE

Zoning Official's Signature

Date



# MICHIGAN PROPERTY SURVEY

COMPANY ORDERED BY: Coldwell Banker Realty  
CONTACT PERSON: Chad Gradowski  
FIELD WORK DATE: 07 Oct 20  
PROJECT NO.: M-206225

DRAWN BY: CS  
BUYER: N/A  
REVISED DATE: 01/12/2021  
ADDRESS: 910 Lake Drive  
New Buffalo, Michigan 49117

## LEGAL DESCRIPTION

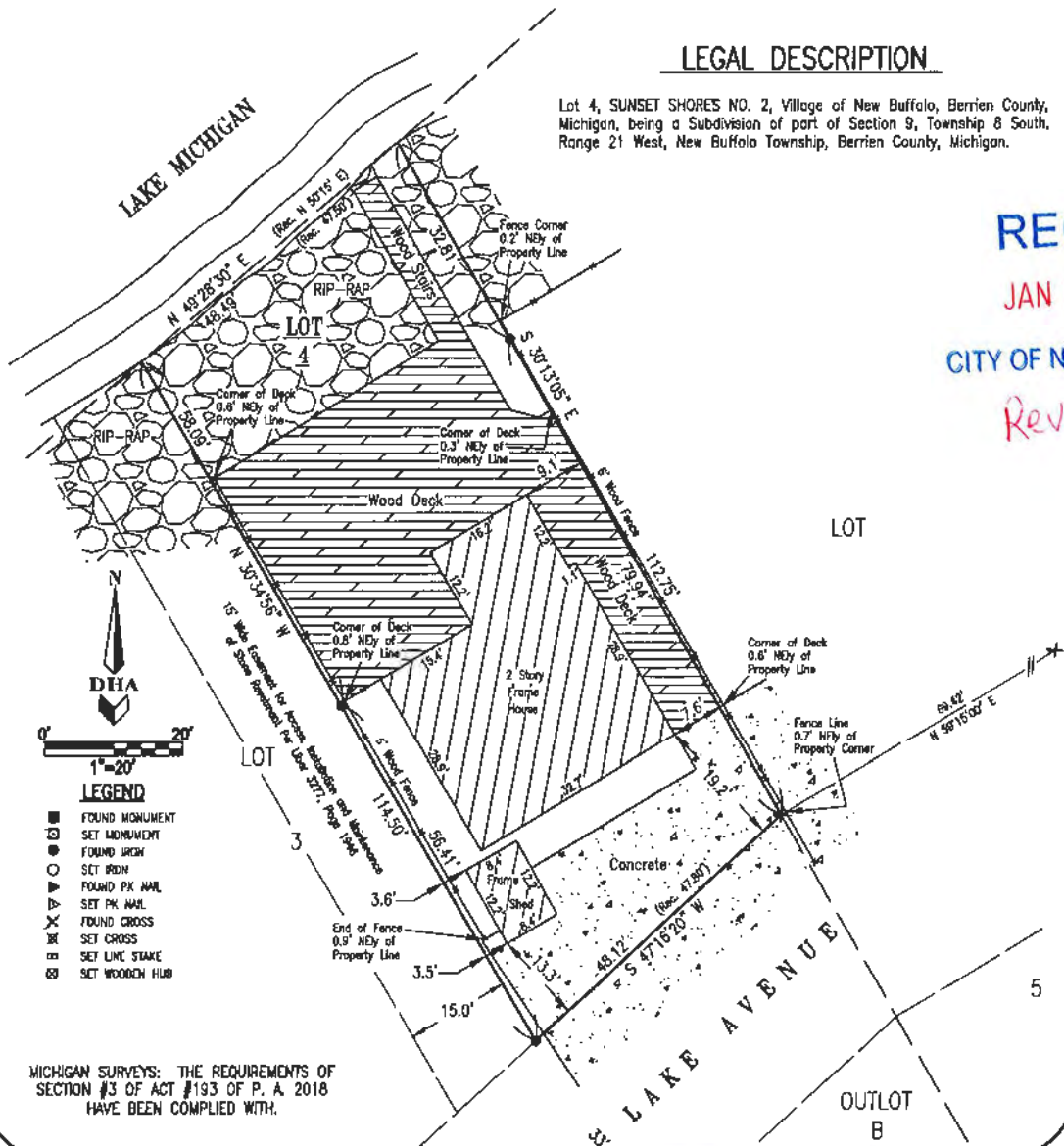
Lot 4, SUNSET SHORES NO. 2, Village of New Buffalo, Berrien County, Michigan, being a Subdivision of part of Section 9, Township 8 South, Range 21 West, New Buffalo Township, Berrien County, Michigan.

REC'D

JAN 12 2021

CITY OF NEW BUFFALO

Revised Survey



MICHIGAN SURVEYS: THE REQUIREMENTS OF SECTION #3 OF ACT #193 OF P. A. 2018 HAVE BEEN COMPLIED WITH.

TO: Tim Hancz

I, the undersigned am a Registered Land Surveyor in the State of Michigan and hereby certify that I have surveyed the Lands hereon described and delineated: That a FIELD ERROR OF CLOSURE was no greater than 1 in 5,000; That the attached plat is a true representation of said survey; That there are no encroachments other than as shown.

Ronald Lee Harner P.S. #4001022436

**Danch, Harner & Associates, Inc.**

Land Surveyors • Professional Engineers  
Landscape Architects • Land Planners

[www.danchharner.com](http://www.danchharner.com)

Office: 268-471-3010 • Fax: 268-471-7237

208 W. Main Street • Berrien Springs, MI 49103

© Copyright 2019 Danch, Harner & Associates, Inc.

**DHA**



# CITY OF NEW BUFFALO

Receipt: 87238

12/07/20

224 W. BUFFALO STREET  
NEW BUFFALO, MI 49117

Cashier: SBOONE  
Received Of: TIM HANCZ

(269) 469-1500

The sum of: 350.00

VAR	POOL VAR		350.00
		Total	350.00

CREDIT CARD		350.00
Credit Card Fee		10.50

Signed: \_\_\_\_\_





**City of New Buffalo**  
**Zoning Board of Appeals**  
**Staff Report**

**Hearing Date:** February 3, 2021

**Project Number:** PT21-0002

**Applicant:** Heather O'Meara

**Subject Property Address:** 103 N Smith Street, New Buffalo, MI 49117

**Nature of the Request:** Allow demolition of existing house and construction of new house located in the same footprint, with variance for rear yard set back requirements.

**Zoning District:** R-3

**OVERVIEW**

The applicant is Heather O'meara, owner, of 103 N. Smith Street, New Buffalo, MI 49117. The applicant requests variances to Demo existing house and construct a new house on same footprint. Current zoning on the property is R-3 high density. This is an original plated lot of record that does not meet current zoning regulations for R-3 or R-1 standards.

The current zoning of R-3 (Multi-Family) is not consistent with the current properties located on N. Smith Street. This lot of record does not meet the zoning requirements for R-3 and could not be developed as and R-3 property. The owner wished to seek a variance of the current zoning to construct a new residence in the same location as the current non-habitable structure located at 103 N. Smith Street using the R-1 zoning guidelines with specific variance to reduce the rear yard required setback of 30 feet to 10 feet.

**Recommendation:** Upon review of the application materials, validation of the facts reported, site inspection and evaluation of each of the criteria required for review and noted in this staff report, it is the recommendation of the Zoning Administrator to approve the requested variance in keeping with the current uniform standards for structures on N. Smith Street.

Respectfully submitted,

Ted Hanson  
Building Official  
City of New Buffalo



# ZONING

## A Attachment 1

### City of New Buffalo

#### Schedule of Regulations\*

Districts		Area (a) (square feet)	Width (feet)	Yard Setbacks (feet)			Height		Coverage (%)
				Front	Side	Rear	Feet	Stories	
R-1 Single Family Residential		8,700(h)	66(b)	20	6	30	35(c)	2 1/2	35
R-2 Medium Density Residential		8,700 (d)(h)	66 (b)(d)	20	6(e)	30	35(c)	2 1/2	40
R-3 High Density Residential	Single- and two-family	See Section 8-4							
	Multiple-family	See Section 8-4							
R-4 Manufactured Home Park		See Article 9							
CBD Central Business		8,000	66	None	(f)	25	35		70
GCD General Commercial		15,000	100	30	(f)(i)	30 (i)	35		60
WM Waterfront Marina		15,000	100	15	10(g)	10	35		70
I-1 General Industrial		43,560	150	35	15 (i)	20 (i)	40		50
PUD Planned Unit Development		See Article 18							

#### NOTES:

\* Footnotes are an integral part of these District Regulations and should be read in conjunction with the above schedule.

#### FOOTNOTES TO DISTRICT REGULATIONS

(a) All dwellings shall contain a minimum floor area in accordance with the following:

Single family	1,000 sq. ft., with at least 800 square feet on the ground floor
Two-family	1,600 square feet, total
Multiple-family:	
Efficiency	500 square feet
1-bedroom	600 square feet
2-bedroom	800 square feet
3-bedroom	1,000 square feet
4-bedroom	1,150 square feet

Accessory buildings shall conform to the requirements of Section 3-2.

- (b) Minimum width shall be 200 feet for all nonresidential uses.
- (c) Nonresidential buildings may be built to a height of up to 65 feet; provided one additional foot of setback shall be added to each yard requirement for each foot by which the height exceeds 35 feet.
- (d) All two-family dwellings shall have a minimum lot area of 11,000 square feet.
- (e) The total of both side yards shall not be less than 20 feet.
- (f) When abutting non-residentially used or zoned property, a side yard of 10 feet shall be provided. However, the Planning Commission may approve up to a zero setback if it can be demonstrated that the lesser setback will not adversely affect adjoining properties, and specifically the availability of light to existing or proposed buildings. Where abutting lots have buildings employing a common party wall, no side yard shall be required. When abutting residentially used or zoned property, a side yard of 30 feet shall be provided.
- (g) Where there is a common wall planned for a building on an adjacent property, no side yard shall be required.
- (h) All lots platted prior to the date of adoption of this ordinance may be 8,000 square feet.
- (i) Where a side or rear yard abuts residentially zoned property, a landscaped buffer shall be provided in accordance with the requirements of Section 3-28.



- E. State-licensed residential care group facilities.

## Section 8-4 Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site Plan Review is required in accordance with Article 19.
- B. Parking is required in accordance with Article 15.
- C. Signs are permitted in accordance with the requirements of Article 16.
- D. Minimum building setbacks, height, area, and lot dimensions are required as noted below.

### MINIMUM BUILDING SETBACKS

Front yard	30 feet
Side yard	20 feet
Rear yard	30 feet

### MINIMUM BUILDING-TO-BUILDING SPACING

Side to side	25 feet
Front to front	50 feet
Rear to rear	80 feet
Front to side	50 feet
Corner to corner	25 feet
Front to rear	60 feet
Rear to side	50 feet

### MINIMUM DWELLING UNIT SIZE (Multiple-Family Dwelling Units)

Efficiency units	500 square feet
One-bedroom units	600 square feet
Two-bedroom units	800 square feet
Three-bedroom units	1,000 square feet
Four-bedroom units	1,150 square feet

### OTHER REQUIREMENTS

Minimum lot width	150 feet
Maximum lot coverage	35% of total lot area
Maximum building height	35 feet
Maximum density	A maximum net density of 12 units per acre shall be permitted
Maximum dwelling units per building (attached single-family dwelling units)	6 units
Maximum dwelling units per building (apartment-style dwelling units)	12 units (unless approved by special use)











City Staff  
Use Only

Project Name  
Project Number  
Review Fee Paid  
Escrow Fee Paid

PAID

DEC 21 2020

City of New Buffalo

**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**

62-0340-0115-00-7


A) Applicant(s) principal contact:

Name Heather O'mearaAddress Telephone 

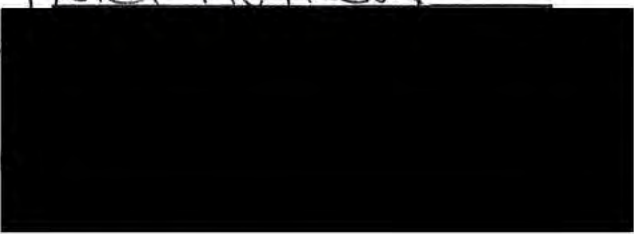
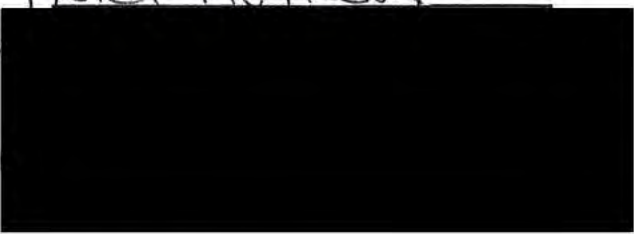
E) Property owner(s) principal contact:

Name Heather O'meara / Rennie BurianAddress Telephone 

B) Applicant(s) secondary contact:

Name Rennie BurianAddress Telephone 

F) Architect (if applicable):

Name Heidi HornadayAddress Telephone 

C) Agent or Attorney (if applicable):

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

G) Engineer (if applicable):

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

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: \_\_\_\_\_\* 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:

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Rezoning of Property          | <input type="checkbox"/> Subdivision Approval | <input checked="" type="checkbox"/> Site Plan Approval |
| <input type="checkbox"/> Rezoning Amendment                       | <input type="checkbox"/> Variance(s) Approval | <input type="checkbox"/> Special Use Approval          |
| <input type="checkbox"/> Lot Split – Subdivision or Land Division | <input type="checkbox"/> Other: _____         |  |

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

We realized the existing house is not rehabable  
therefore we need to remove it and start over.  
We would rebuild in the same location, same  
size footprint & setbacks with the exception of  
an attached back screened in porch.

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:

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:



**III. Site and Surrounding Property Information**

A) Common address or property location of subject property:

103 N Smith Street, New Buffalo

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

Lot 7 Block 10 Vill Plat of New BuffaloC) Permanent Real Estate Tax Identification Number: 11-62-0340-0115-00-7

D) Parcel Size:

± 5,422.7

Square feet

0.00

Acres

66'

Dimension of lot frontage

82'

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:	<u>R3</u>	<u>single family</u>
2. Adjoining property:		
a) North of Site	<u>R3</u>	<u>single family</u>
b) South of Site	<u>R3</u>	<u>town homes</u>
c) East of Site	<u>R3</u>	<u>single family</u>
d) West of Site	<u>R1</u>	<u>single family</u>

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

There is a house and garage slab.



**IV. Description of the Proposed Development**

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

Tear down existing house. Build New house in  
exact same location.

B) What is the proposed time frame for the build-out of this development: 8 months

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	one	1,951	4,008	4	same	same
Two Family R-2						
Mufty-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:

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: \_\_\_\_\_

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) NA Floodplain map (engineer's drawing or FEMA map showing location of subject property).
- D) ✓ Application fee in the amount of \$ 350.00.
- E) NA High Risk Dune Area Designation and/or Soil Conservation Analysis (if applicable).
- F) NA Application for permits (specify type):
- 1) Michigan DOT \_\_\_\_\_
  - 2) County Road Commission \_\_\_\_\_
  - 3) County Health Department \_\_\_\_\_
  - 4) State Dept. of Public Health \_\_\_\_\_
  - 5) Michigan DEQ \_\_\_\_\_
  - 6) Others \_\_\_\_\_
- G) NA 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):

Rennie and I really wanted to fix the old house but upon further inspection it is in complete disrepair from the previous owners with a crumbling foundation. Once we realized this we met with Dave Richards to show him my drawings for a new house. He said not to worry and that we could tear down. We just needed a zoning variance for the back porch since that was the only setback changing. I don't have this in writing I only have my emails to him regarding the zoning for the porch and my email to our architect giving her the green light on tearing down and the go ahead to formally draw my drawings. We are so sad to hear about Dave's passing he was so wonderful to us. I hope you will take all of this into consideration. We really want to build this house for ourselves. The zoning in our neighborhood doesn't work if one needs to remove the old structure. Thankyou Heather and Rennie



**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:

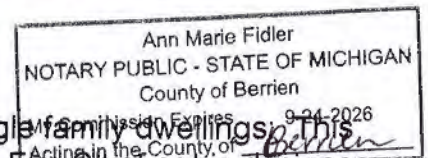
I, Heather O'meara, hereby certify that all information contained in this application and accompanying documentation is true and correct to the best of my knowledge and further, I acknowledge the required attendance of the applicant as set forth in paragraph A above. I furthermore grant permission for 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: Heather O'meara Date: 12/21/20

D) Notary Public Certification Statement:

I, Ann Marie Fidler, Notary Public in and for the State of Michigan this 21<sup>st</sup> day of December, 2021 the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: 09-24-2026 Ann Marie Fidler

**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: \_\_\_\_\_

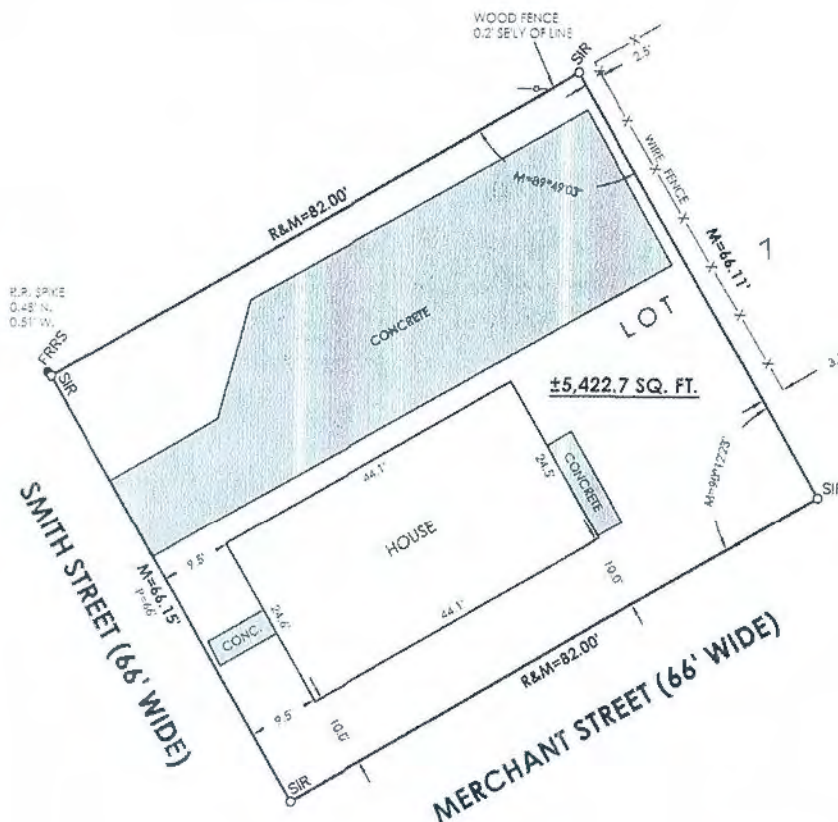
Initial meeting date: \_\_\_\_\_



## CERTIFICATE OF SURVEY

I, MATTHEW REINKING, A LICENSED PROFESSIONAL SURVEYOR, NUMBER 54057, IN MICHIGAN, CERTIFY THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND: LOT 7, BLOCK 10 OF THE VILLAGE (NOW CITY) OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER C OF DEEDS, PAGE 105, BERRIEN COUNTY RECORDS, EXCEPTING THE EASTERLY 50 FEET THEREOF.

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE, IF ANY EXIST.

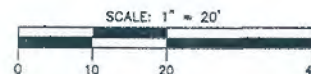


*Matthew Reinking*  
MATTHEW REINKING  
LICENSED PROFESSIONAL SURVEYOR No. 54057

*2/17/2020*  
DATE OF CERTIFICATE

### LEGEND

- R = RECORDED
- P = PLATTED
- M = MEASURED
- FRRS = FND. R.R. SPIKE
- SIR = SET IRON ROD



THIS SURVEY WAS BASED ON THE INCLUDED LEGAL DESCRIPTION AS IT APPEARS ON A DEED OR TITLE INSURANCE POLICY, AND SHOULD BE COMPARED WITH THE ABSTRACT OF TITLE OR TITLE INSURANCE POLICY FOR ACCURACY. EASEMENTS OR EXCEPTIONS, ANY WRITTEN OR UNWRITTEN RIGHTS OF ADJOINERS ARE UNKNOWN UNLESS SPECIFICALLY NOTED.

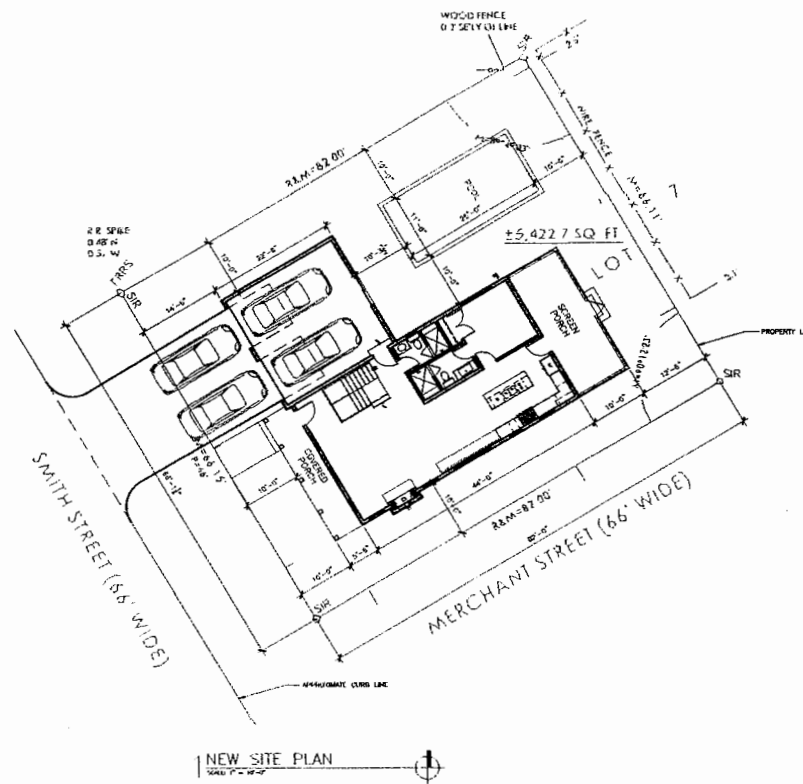
PREPARED FOR:  
HEATHER O'MEARA  
CHICAGO TITLE INSURANCE COMPANY

DRAWN BY: MGR  
APPROVED BY: MAF  
DATE: 2/13/2020  
SCALE: 1" = 20'

PART OF LOT 7 BLOK 10  
PLAT OF NEW BUFFALO  
CITY OF NEW BUFFALO  
SHEET 1 OF 1

JOB NO. 20-0174





# GENERAL NOTES

1. ALL EXISTING TREES OUTSIDE BUILDING FOOTPRINT ARE TO BE PROTECTED FROM SOIL COMPACTION BY CONSTRUCTION WITH BARRICADES THE DIA. OF THE TREE CROWN UNLESS DESIGNATED BY OWNER FOR REMOVAL.
2. SURVEYOR TO LOCATE HOUSE ON SITE AND CONFIRM IT MEETS ALL SETBACKS PRIOR TO COMMENCEMENT OF WORK.
3. ALL WORK MUST COMPLY WITH THE NEW BUFFALO, MICHIGAN CODES, ORDINANCES AND PERMITS.
4. ALL EXCAVATION SPILLS ARE TO BE REMOVED FROM THE SITE.
5. PROVIDE 1" TO WATER SERVICE AND METER WITH REMOTE READOUT, TYPE K PIPE.
6. ELECTRICAL TELEPHONE AND CABLE SERVICE TO BE RUN FROM TRANSFORMER TO HOUSE BELOW GRADE.
7. VERIFY ALL SERVICE CONNECTIONS. INCLUDE PERMIT AND CORRECT FEES IN BID.
8. PROVIDE GAS SERVICE AND METER.
9. RESIDENCE IS ON CITY SEWER AND WATER.
10. ALL HARDSHIP, LANDSCAPING, SITE DRAINAGE, AND RETAINING WALLS ARE FOR OWNER'S LANDSCAPE DESIGNER.

## LEGAL DESCRIPTION:

LOT 7, BLOCK 10 OF THE VILLAGE (NOW CITY) OF NEW BUFFALO, HENRIETTA COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN BOOK 6 OF DEEDS, PAGE 100, HENRIETTA COUNTY RECORDS, EXCEPTING THE EASTERLY 60 FEET THEREOF.

## SQUARE FOOTAGE: (GROSS)

Measure	
Basement:	1,078 S.F.
First Floor & Attached Garage:	1,570 S.F.
Second Floor:	1,473 S.F.
Screen Porch:	146 S.F.
Central Corridor:	130 S.F.
Total:	4,098 S.F.

Site:	5,422.70 S.F.
Building Footprint:	1,251.3 S.F.
Pool:	338 S.F.
Lot Coverage:	42.2 %

## DRAWING INDEX:

SP1.1	SITE PLAN
A1	BASEMENT PLAN
A2	FIRST FLOOR PLAN
A3	SECOND FLOOR PLAN
A4	EXTERIOR ELEVATIONS
A5	EXTERIOR ELEVATIONS
A6	BUILDING SECTION
A7	BUILDING SECTION
E1	BASEMENT ELECTRICAL
E2	FIRST & SECOND FLOOR ELECTRICAL

**O'MEARA RESIDENCE**  
103 N. SMITH STREET  
NEW BUFFALO, MI 49117

**HEIDI HORNADAY, Architect, P.C.**  
P.O. Box 875  
New Buffalo, MI 49117  
Phone 260-459-3554  
Fax 260-459-0222  
hormaday@hormadaypc.com

NOTE: ALL INFORMATION SHALL BE FIELD VERIFIED.

11.24.2020	PERMIT REVIEW
Date	Revised/Issue Date

## SITE PLAN

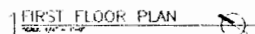
AS: 10/10/20	11-11-2020
Drawn By:	RLH
Checked By:	

SP1.1



A1





MARVIN ELEVATE SERIES WINDOW SCHEDULE				
MARK	TYPE	NUMBER	QTY	R.O.
A	CASINGMENT	ELCA0205	03	PER MANUFACTURER
B	CASINGMENT	ELCA0208	05	PER MANUFACTURER
C	DOUBLE HUNG	ELCA0405	01	PER MANUFACTURER
D	DOUBLE HUNG	ELCA0508	02	PER MANUFACTURER
E	DOUBLE HUNG	ELCA0472	22	PER MANUFACTURER
F	DOUBLE HUNG WALLED	ELCA10056	01	PER MANUFACTURER
G	CASINGMENT	ELCA0305	02	PER MANUFACTURER

NOTES:

- ALL WINDOWS ARE WOOD INTERIOR AND FRAMELESS GLASS WOOD EXTERIOR DOUBLE GLAZED 1/2"X20"X12" 52K IMPACT GLASS UNGLAZED.
- PROVIDE PRE-FINISHED INTERIOR SHIPS.
- PROVIDE 1/2" JAMBES FOR ALL WINDOWS FRAMELESS GLASS UNGLAZED.
- PROVIDE SELECT SIZES ONLY.
- HARDWARE FINISH IS TO BE SELECTED BY OWNER.
- EXTERIOR GLASS COLOR IS TO BE SELECTED BY OWNER.
- INTERIOR FINISH IS TO BE SELECTED BY OWNER.
- PROVIDE INTERNAL LOGIC CODES FOR FIRE EVACUATION LOOK CODES MAY DIFFER.
- PROVIDE TYPICAL GLASS IN WINDOWS AS REQUIRED BY CODE.
- PROVIDE OCCULTING GLASS AS DIRECTED BY OWNER.

O'MEARA RESIDENCE  
103 N. SMITH STREET  
NEW BUFFALO, MI 49117

**HEIDI HORNADAY, Architect, P.C.**  
P.O. Box 815  
New Buffalo, MI 48117  
Phone 248-460-3554  
Fax 248-460-0522  
thornaday@hthornadayarch.com

NOTE: ALL INFORMATION SHALL BE FIELD VERIFIED.

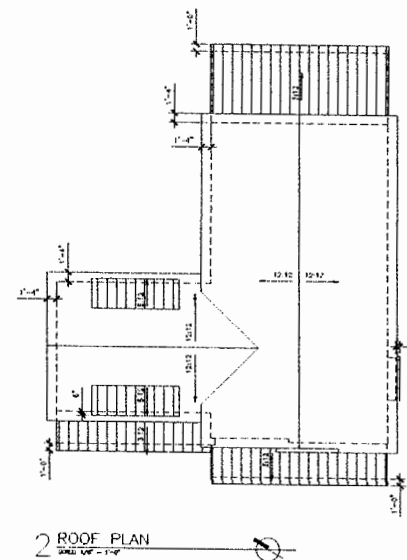
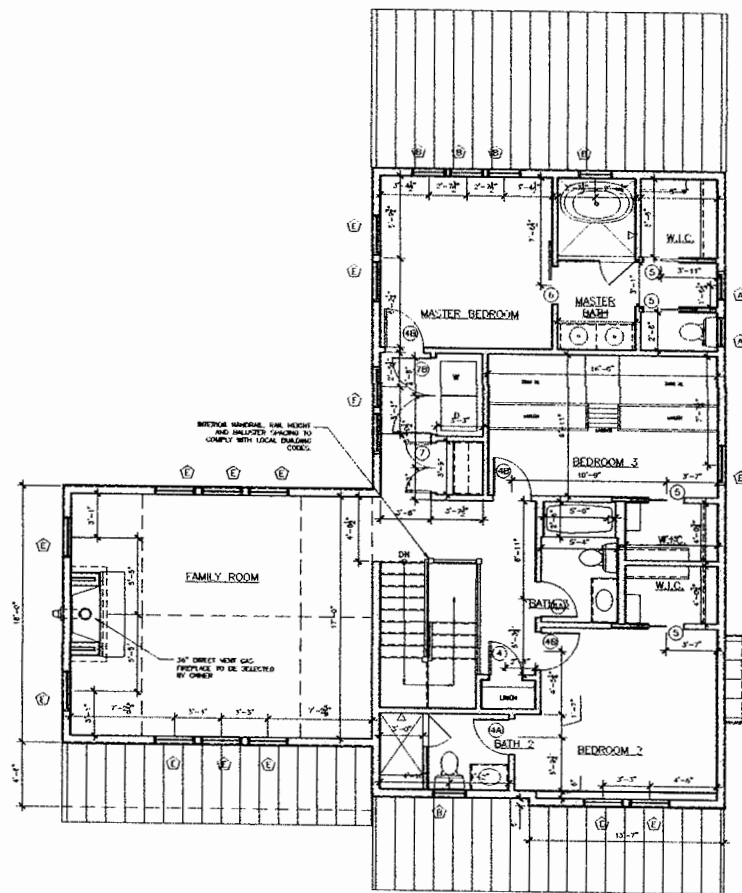
11.24.2020	PERMIT REVIEW
------------	---------------

FIRST FLOOR PLAN

Year	AS NOTED	Working on
2011	11.11.2010	

A2





## KEY NOTES

**O'MEARA RESIDENCE**  
103 N. SMITH STREET  
NEW BUFFALO, MI 49117

**HEIDI HORNADAY, Architect, P.C.**  
P.O. Box 816  
New Buffalo, MI 48117  
Phone 248-452-3554  
Fax 248-452-0522  
[hhornaday@hornadayarch.com](mailto:hhornaday@hornadayarch.com)

NOTE: ALL INFORMATION SHALL BE FIELD VERIFIED.

11/24/2020 PERMIT REVIEW

SECOND FLOOR PLAN  
ROOF PLAN

Case	AC NOTED
Date	11.11.2020
Next Entry No.	111-111
Given by	HJH
Checked by	

A3





## KEY NOTES

O'MEARA RESIDENCE  
103 N. SMITH STREET  
NEW BUFFALO, MI 49117

HEIDI HORNADAY, Architect, P.C.

P.O. Box 915  
New Buffalo, MI 48117  
Phone 248-459-3884  
Fax 248-459-0572  
thomday@thomdayinc.com

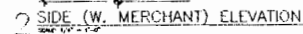
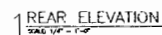
NOTE: ALL INFORMATION SHALL BE FIELD VERIFIED.

### EXTERIOR ELEVATIONS

Index	AS NOTED	Analysis
Date	11.11.2020	
North Station No.	100-101	
Sheet No.	101H	
Checked by	100-101	

A4











# 1 BUILDING SECTION

SCALE: 1/8" = 1'-0"

ASPHALT SHINGLE  
SOLID FELT UNDERLAYMENT  
GRADE ICE AND WATER SHIELD RE-  
EXTENDING 18" FROM THE EXTERIOR  
EDGE OF THE EXTERIOR WALL  
EXTRA 1/2" GASKET OVER SHIMMING  
SEVEN-STRIP WITH 1/2" RIGID FLEECE  
SPACING PER TRUSS MEET.  
1/2" INSULATION BATTLE BETWEEN TRUSSES  
1/2" RIGID INSULATION R-30  
END GABLE OVER 1/2" PLATE WITH 1/2" GASKET  
1/2" INSULATION WITH 1/2" RIGID FLEECE  
1/2" GASKET AND 1/2" DOWNSPOUT  
VENTING SOFFIT PANEL

UP SHIMMING LAP FOUNDATIONS  
5-1/2" DRAIN, 1/2" EXTERIOR  
EXTENDING SHIMMING &  
WATER DRAINAGE

UP SHIMMING LAP FOUNDATIONS  
7-1/2" DRAIN, 1/2" EXTERIOR  
EXTENDING SHIMMING &  
WATER DRAINAGE

ONE TREATED CELL WITH A  
MIN. OF 2 AIRFLOW BUILT  
2-1/2" RIGID FLEECE  
1/2" RIGID INSULATION  
1/2" RIGID FLEECE  
(1) 1/2" RIGID FLEECE  
1/2" OF THE TOP

8" POURED CONCRETE ON ONE  
FOUNDATION WALL WITH 1/2"  
RIGID FLEECE INSULATION R-10  
SPRAY-ON BATTERY  
DRY TROUSERS

4" 10" 8" 10" 1/2" 1/2" 1/2"  
AND STEEL WALL WITH  
SPRAY-ON BATTERY  
DRY TROUSERS  
CHARGED TROUSERS WITH  
1/2" OF GASKET  
4" 10" 1/2" 1/2" 1/2" 1/2"  
W/FLUX FABRIC SLAB  
1/2" 1/2" 1/2" 1/2" 1/2" 1/2"  
CONCRETE CONTAINING  
1/2" 1/2" 1/2" 1/2" 1/2" 1/2"  
UNREINFORCED TIE

7" 1/2" 1/2" 1/2" 1/2" 1/2"  
4-1/2" 1/2" 1/2" 1/2" 1/2" 1/2"  
1" 1/2" 1/2" 1/2" 1/2" 1/2"  
2" 1/2" 1/2" 1/2" 1/2" 1/2"

7" 1/2" 1/2" 1/2" 1/2" 1/2"  
4-1/2" 1/2" 1/2" 1/2" 1/2" 1/2"  
1" 1/2" 1/2" 1/2" 1/2" 1/2"  
2" 1/2" 1/2" 1/2" 1/2" 1/2"

7" 1/2" 1/2" 1/2" 1/2" 1/2"  
4-1/2" 1/2" 1/2" 1/2" 1/2" 1/2"  
1" 1/2" 1/2" 1/2" 1/2" 1/2"  
2" 1/2" 1/2" 1/2" 1/2" 1/2"

4" CONCRETE SLAB WITH  
REINFORCING TIE  
6" 1/2" 1/2" 1/2" 1/2" 1/2"  
BATTERY (TYP.)  
4" 1/2" 1/2" 1/2" 1/2" 1/2"  
SHIMMING (TYP.)

REINFORCING TIE  
PER CODE

12  
12

12  
12

1/2" 1/2" 1/2" 1/2" 1/2" 1/2"

4'-0"  
1'-0" 1/2" 1/2" 1/2" 1/2" 1/2"

4'-0"  
1'-0" 1/2" 1/2" 1/2" 1/2" 1/2"

4'-0"  
1'-0" 1/2" 1/2" 1/2" 1/2" 1/2"

SEE PLAN FOR  
LOCATIONS OF  
TYPICAL WALLS

## GENERAL NOTES

O'MEARA RESIDENCE  
103 N. SMITH STREET  
NEW BUFFALO, MI 49117

HEIDI HORNADAY, Architect, P.C.  
P.O. Box 915  
New Buffalo, MI 49117  
Phone 248-458-8884  
Fax 248-458-8887  
hornaday@hornadayarch.com

NOTE: ALL INFORMATION SHALL BE FIELD VERIFIED.

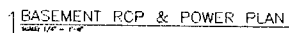
11.24.2020	PERMIT REVIEW
11.24.2020	PERMIT REVIEW
11.24.2020	PERMIT REVIEW
11.24.2020	PERMIT REVIEW
11.24.2020	PERMIT REVIEW
11.24.2020	PERMIT REVIEW
11.24.2020	PERMIT REVIEW
11.24.2020	PERMIT REVIEW
11.24.2020	PERMIT REVIEW
11.24.2020	PERMIT REVIEW

## BUILDING SECTION

Date	AS NOTED	Drawing No.	
Date	11.11.2020		
Project No.			
Client No.	1031		
Checked By			

A7





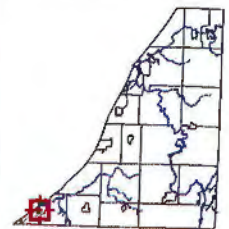








#### Overview



#### Legend

- Railroads
- Roads**
  - <all other values>
  - Interstate
  - Major Arterial
  - Minor Arterial
  - Roads
- Parcels
- Lakes
- Rivers
- Parcel
- Lake Michigan

Parcel ID	11-62-0340-0115-00-7	Alternate ID	n/a	Owner Address	O MEARA HEATHER
Sec/Twp/Rng	n/a	Class	401		1200 SHORE DR
Property Address	103 N SMITH ST	Acreage	n/a		NEW BUFFALO, MI 49117
	NEW BUFFALO				
District	11200				
Brief Tax Description	THE SW'LY 82' OF LOT 7 BLK 10 VILL PLAT OF NEW BUFFALO				
	(Note: Not to be used on legal documents)				

Date created: 1/7/2021  
Last Data Uploaded: 1/7/2021 2:30:34 AM

Developed by **Schneider**  
GEOSPATIAL



HEATHER O'MEARA

71-132/712

1007

DATE 12/21/20

4. REMOVE ONLY. DO NOT REMOVE  
SPECIALLY PRINTED SECURITY



PAY TO  
THE ORDER OF

City of New Buffalo

\$ 350.00

Three hundred fifty and 00/100-

DOLLARS

Heat  
Reactive  
ink

HORIZON

BANK  
MICHIGAN CITY, IN 46360  
www.horizonbank.com

MEMO

103 W. Smith zoning

Hutton

MP

LOOK FOR FRAUD-DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.





## **City of New Buffalo**

### **Zoning Board of Appeals Staff Report**

**Hearing Date:** February 3, 2021

**Project Number:** PT21-0003

**Applicant:** John R Sims

**Subject Property Address:** 301 W Mechanic, New Buffalo, MI 49117

**Nature of the Request:** Allow a 6' privacy fence in the designated front yard.

**Zoning District:** R-1

### **OVERVIEW**

The applicant is requesting a variance to construct a 6' privacy fence in the designated front yard. Zoning ordinance section 3-5 B. limits fence height to 3 ½ feet in the front yard. 301 W. Mechanic is a corner lot, which means there are two front yard designations.

**Recommendation:** Upon review of the application materials, validation of the facts reported, site inspection and evaluation of each of the criteria required for review and noted in this staff report, it is the recommendation of the Zoning Administrator to approve the requested 6' fence variance. Based on the zoning criteria for approval.

Respectfully submitted,

Ted Hanson  
Building Official  
City of New Buffalo



- A. A corner lot shall have two front lot lines: a principal front lot line and a secondary front lot line. The principal front lot line shall be the shorter of the two lot lines. Where the lot lines are of equal length, and/or the principal front lot line is not evident, then the Zoning Administrator shall determine the principal front lot line.
- B. General provisions.
  - 1. The required front setback shall be met on both the principal and secondary streets; provided that where the lot contains an existing main building, the front setback from the secondary street may be reduced by 10 feet.
  - 2. The remaining setbacks shall be a side setbacks.
  - 3. The width of a corner lot shall be determined by the entire length of that front lot line which is opposite the rear lot line.

### **Section 3-4 Main building or principal use.**

Each parcel shall contain only one main building or principal use, except for groups of related commercial, industrial, and office buildings, and multiple-family dwellings, contained within a single, integrated complex, sharing parking, signs, access, and other similar features which together form a unified function and appearance.

### **Section 3-5 Fences.**

- A. Fences in residential districts shall not exceed six feet in height, measured from the surface to the uppermost portion of the fence.
- B. Fences erected within the front yard in any district shall not exceed 3 1/2 feet in height. Fences within the front yard shall be of a type which is not more than 50% solid and shall not be located within any clear vision area, per Section 3-13.
- C. Fences in residential districts or enclosing residential uses shall not contain barbed wire or be electrified.
- D. In residential districts, the finished side of the fence shall face the abutting property.
- E. Fences shall not be erected within any public right-of-way in any district.
- F. Fences shall not be erected within two feet from a sidewalk, where the sidewalk is within the public right-of-way.

### **Section 3-6 Required area or space.**

No lot, yard, courtyard, parking area or other space shall be so reduced in area or dimension as to make said area or dimension less than the minimum required under this ordinance. If already less than the minimum required under this ordinance, said area or dimension shall not be further reduced.

### **Section 3-7 Illegal dwellings.**

A portion of a detached garage or accessory building may contain one sleeping room; provided such sleeping room contains sanitary facilities and meets all applicable local and state codes; and further provided no kitchen facilities shall be contained within the detached garage or accessory building. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the City Building Code and other applicable regulations. In no case, shall any living space located in a basement be counted toward the required floor area requirement for the district in which it is located.

### **Section 3-8 Keeping of animals.**

- A. The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any Residential District.
- B. The keeping of animals not normally considered household pets, including, but not limited to, horses, pigs, sheep, cattle, and poultry is prohibited in all zoning districts.
- C. Any area where such permitted animals are kept shall be maintained in a safe and sanitary condition.











City Staff  
Use Only

Project Name

Project Number

Review Fee Paid

Escrow Fee Paid

CITY OF NEW BUFFALO

DEC 21 2020

RECEIVED

 Paid  
 11/11/21  
 \$350.00

62-0346-0097-01-7

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 John R Sims

Address

Telephone

E) Property owner(s) principal contact:

Name John R Sims

Address

Telephone

B) Applicant(s) secondary contact:

Name

Address

Telephone

F) Architect (if applicable):

Name

Address

Telephone

C) Agent or Attorney (if applicable):

Name

Address

Telephone

G) Engineer (if applicable):

Name

Address

Telephone

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

Sims



**II. Purpose of Application**

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

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Rezoning of Property                     | <input type="checkbox"/> Subdivision Approval            | <input type="checkbox"/> Site Plan Approval   |
| <input type="checkbox"/> Rezoning Amendment                       | <input checked="" type="checkbox"/> Variance(s) Approval | <input type="checkbox"/> Special Use Approval |
| <input type="checkbox"/> Lot Split – Subdivision or Land Division | <input type="checkbox"/> Other: _____                    |   |

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

Request is to place approximately 30' of a 6' high privacy fence, Barrington style, along the courtyard  
and proposed outdoor shower of 301 W. Mechanic St, facing Smith street. This fence would provide  
privacy for outdoor dining courtyard, future outdoor shower, and limit visual and physical access to the  
backyard pool. Current fence present at purchase is also not of code is decrepit and requires replacement.  
Please refer to design for details of placement. Any further fencing around house between house and  
street would consist of a small white picket fence.

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:

Article 3-5-B

+ 3-5-

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:



**III. Site and Surrounding Property Information**

A) Common address or property location of subject property:

301 W Mechanic St  
  
  

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

Lot1, NW'LY 1/2 Lot 2, Block 9, Plat of New Buffalo, City of New Buffalo  
  
  
C) Permanent Real Estate Tax Identification Number: 11-62-0340-0097-01-7

D) Parcel Size: \_\_\_\_\_ Square feet

\_\_\_\_\_ Acres

132.1' W Mechanic Dimension of lot frontage99.63' Smith 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:	<u>Residential</u>	<u>Residential</u>
2. Adjoining property:		
a) North of Site	<u>Residential</u>	<u>Residential</u>
b) South of Site	<u>Residential</u>	<u>Residential</u>
c) East of Site	<u>Residential</u>	<u>Residential</u>
d) West of Site	<u>Residential</u>	<u>Residential</u>

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

NA



**IV. Description of the Proposed Development**

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

NA

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

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						
Two Family R-2						
Mufty-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:

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: \_\_\_\_\_

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 \$ \_\_\_\_\_.
- E) \_\_\_\_\_ High Risk Dune Area Designation and/or Soil Conservation Analysis (if applicable).
- F) \_\_\_\_\_ Application for permits (specify type):
- 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):

See section B and attachments



**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, John Sims, 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: John R Sims Date: Dec 13, 2020

D) Notary Public Certification Statement:

I, \_\_\_\_\_, Notary Public in and for the State of Michigan this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: \_\_\_\_\_

**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: \_\_\_\_\_



Sims

Project no. 16097

Design intent is curated by design staff and therefore intention of this plan is to be installed by Creative Landscaping Inc.

Date 2020-12-12

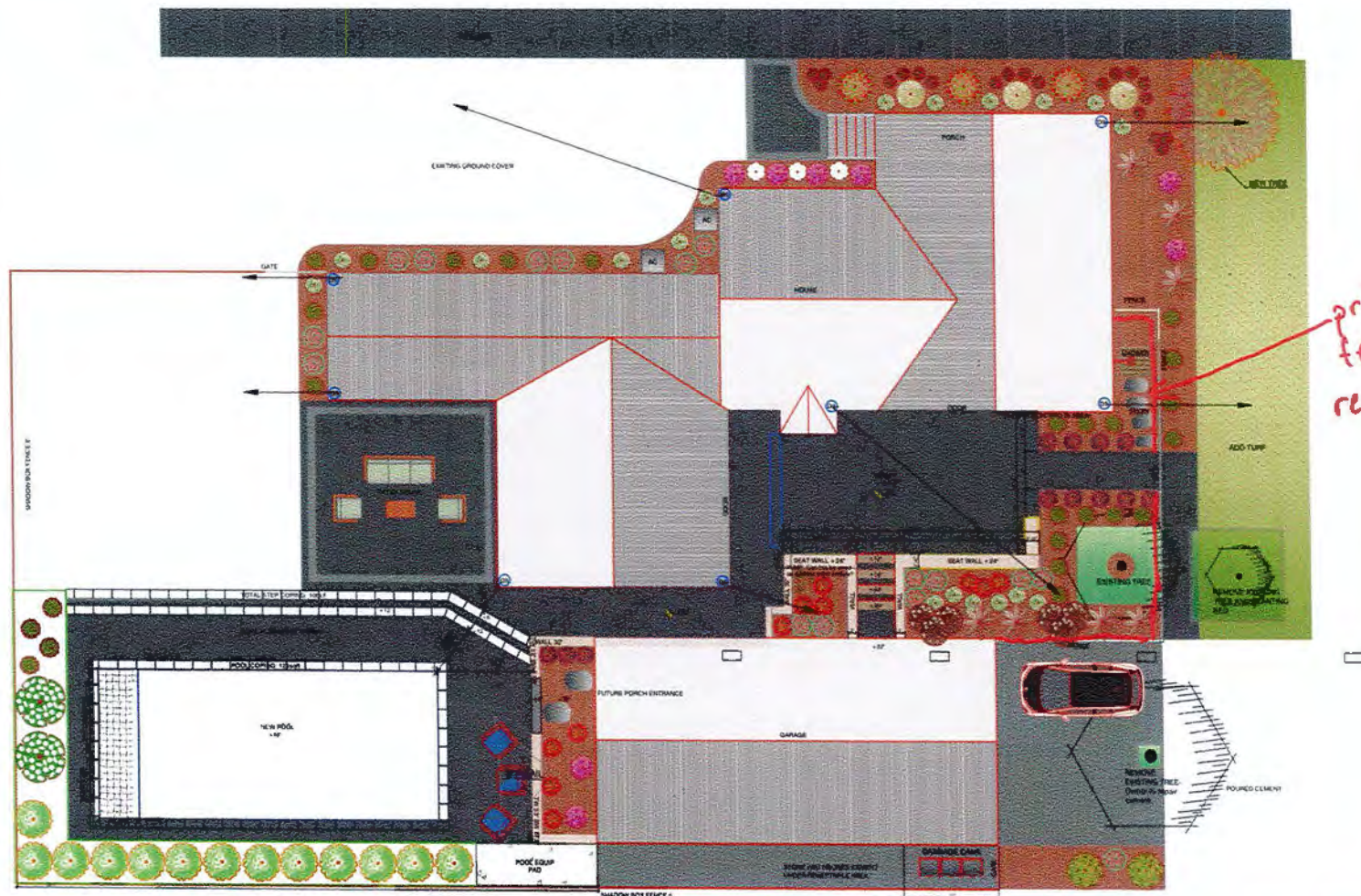
Phase of project: Final Master Design

**Sims, Kara**  
301 W Mechanic Street  
New Buffalo, Michigan 49085

Revisions



5360 M-139,  
ST. JOSEPH, MI 49085  
Telephone: 269-473-1354  
creativelandscapinginc.com  
concept documents  
Drawn by: AP, Check by: VJL



LANDSCAPE PLAN



PLANT SCHEDULE

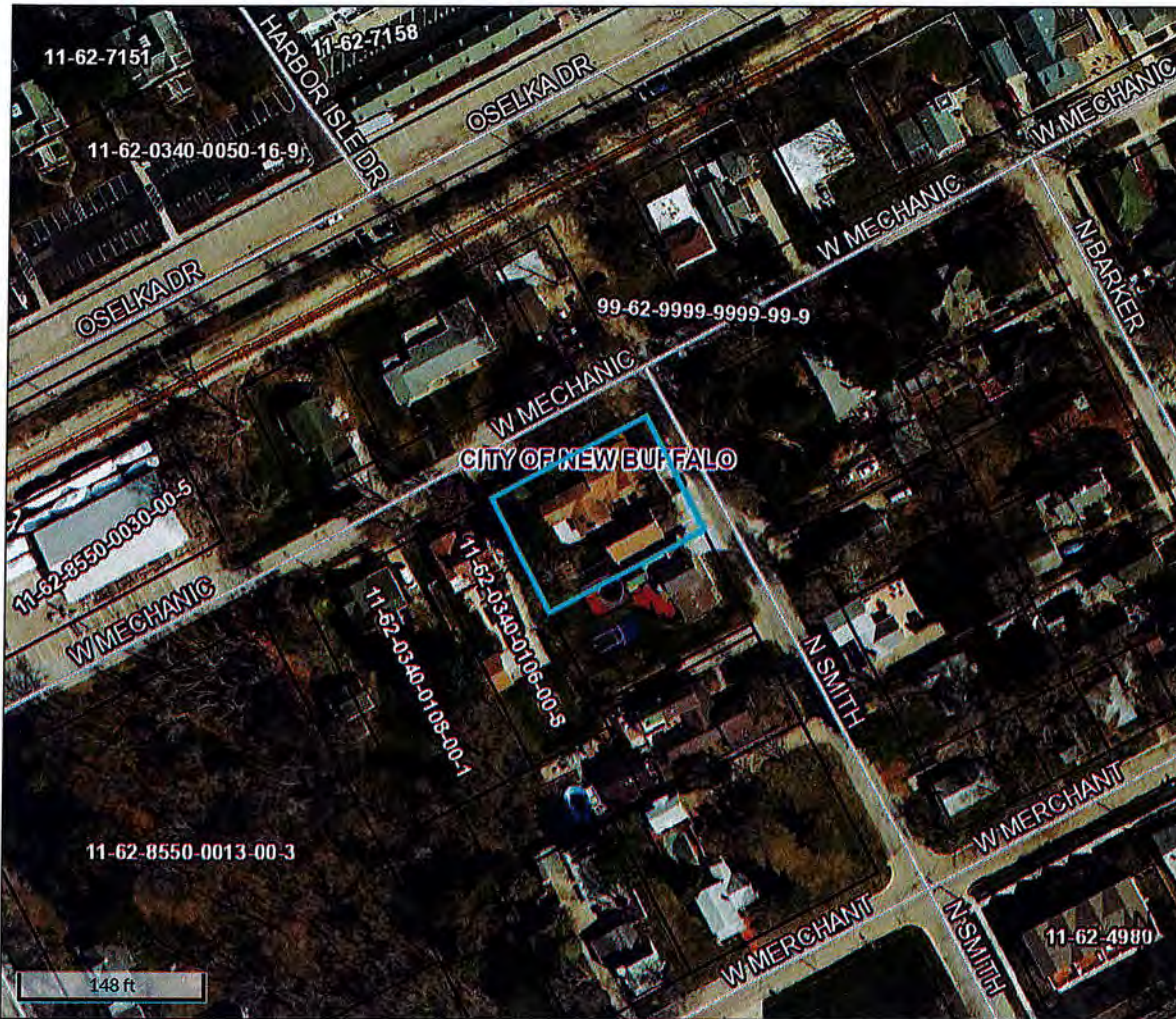
TREES	CODE	QTY	BOTANICAL NAME								
	CA4	1	Carex canadensis 'Ace of Hearts'		AST V23	18	Amelbe chlorostoma 'Vision in White'		EF	11	Echinacea x 'Eglow'
	THU TST	13	Thuja occidentalis 'Emerald Green'		BL	18	Buddleia x Pluriflora 'Patio'		ER	6	Eupatorium rugosum 'Chocolate'
					BT3	25	Buxus x Sphynx		HYD INC	2	Hydrangea arborescens 'Incrediball'
SHRUBS	CODE	QTY	BOTANICAL NAME								



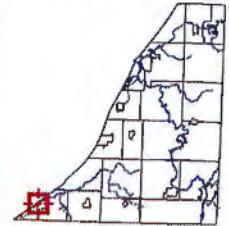


Fence Style





## Overview



## Legend

- Railroads
- Roads
  - <all other values>
  - Interstate
  - Major Arterial
  - Minor Arterial
  - Roads
- Parcels
- Lakes
- Rivers
- Parcel
- Lake Michigan

Parcel ID	11-62-0340-0097-01-7	Alternate ID	n/a	Owner Address	SIMS JOHN RANDALL & SIMS KARA CLINE
Sec/Twp/Rng	n/a	Class	401		285 N ELM ST
Property Address	301 W MECHANIC ST	Acreage	n/a		ZIONSVILLE, IN 46077
	NEW BUFFALO				
District	11200				
Brief Tax Description	LOT 1 & THE NWLY 1/2 OF LOT 2 BLK 9 VILLAGE PLAT OF NEW BUFFALO UNRE SUR				
	(Note: Not to be used on legal documents)				

Date created: 1/7/2021

Last Data Uploaded: 1/7/2021 2:30:34 AM

Developed by Schneider  
GEOSPATIAL



# CITY OF NEW BUFFALO

Receipt: 88388

01/11/21

224 W. BUFFALO STREET  
NEW BUFFALO, MI 49117

Cashier: SBOONE  
Received Of: JOHN R SIMS II

(269) 469-1500

The sum of: 350.00

VAR	VARIANCES		350.00
		Total	350.00

CHECK	234	350.00
-------	-----	--------

Signed: \_\_\_\_\_





**City of New Buffalo**  
**Zoning Board of Appeals**  
**Staff Report**

**Hearing Date:** February 3, 2021

**Project Number:** PT21-0001

**Applicant:** Tim Hancz

**Subject Property Address:** 910 Lake Drive, New Buffalo, MI 49117

**Nature of the Request:** Allow a side yard set back of 5 feet instead of the required 10 feet for an inground pool.

**Zoning District:** R-1

**OVERVIEW**

The applicant is requesting a reduction in the required side yard setback for an inground pool which currently requires a 10' foot set back. Applicant because of yard size is requesting a 5' foot setback for one side yard.

The property at 910 Lake drive is currently being renovated and utilized as a single family residence and the dwelling constitutes an allowable primary structure. The pool must be surrounded by a 4' fence with locking gates and must comply with the Michigan Building Codes.

**Recommendation:** Upon review of the application materials, validation of the facts reported, site inspection and evaluation of each of the criteria required for review and noted in this staff report, it is the recommendation of the Zoning Administrator to approve the requested side yard setback variance and allow the applicant to construct the pool within 5' of the side property line.

Respectfully submitted,

Ted Hanson  
Building Official  
City of New Buffalo



## Zoning Ordinance Provisions

### Section 3-14, SWIMMING POOLS

B. Swimming pools shall not be located less than 10' from any lot line or any main building. The coach house is an accessory building and does not require a variance.

### Section 21-5 JURISDICTION

The Zoning Board of Appeals shall not have the power to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this Section and the laws of the State of Michigan. The powers of the Zoning Board of Appeals include:

#### B. Granting of Variances

A variance from the specific requirements of this Ordinance may be granted by the Zoning Board of Appeals in accordance with the requirements and procedures of this Article.

### SECTION 21-8 VARIANCE PROCEDURES

#### A. Authority for Variances

The Zoning Board of Appeals, after public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.

#### B. Granting of Non-Use Variances

A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district;

*There are no apparent extraordinary circumstances applying to the subject property making compliance impossible. The proposed pool is 18'x36' and it seems a smaller pool may require a lesser variance and be a reasonable request unless the property owner can explain why a pool of such large dimensions is essential.*

2. That the condition or situation of the specific piece of property for which the variance is sought is not of 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 Article, 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 Article would involve practical difficulties;

*The location of the coach house presents a dimensional, topographical or other characteristics that should be considered a practical difficulty.*



3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

*This variance is not necessary for the preservation and enjoyment of any substantial property right similar to that possessed by other properties in the same zoning district.*

4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

*The variance will not be detrimental to adjacent properties nor the surrounding neighborhood.*

5. The variance will not impair the intent and purpose of this Ordinance.

*Granting a variance will impair the intent and purpose of the City of New Buffalo's Zoning Ordinance by limiting the authority of the building permitting and inspection process.*

6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

*The variance requested is not created by the proposed actions of the property owner.*

## **SECTION 21-6 DECISIONS**

### **D. Decisions**

1. The concurring vote of a majority of the membership of the Board shall be required to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass, or to effect a variation in the ordinance; except that a concurring vote of two-thirds (2/3) of the membership shall be necessary to grant a use variance.

2. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it within sixty (60) days after the hearing thereon.

3. All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Board shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.

4. Any variance granted by the Board shall only be valid for a period of twelve (12) months from the date of approval, unless substantial construction, as determined by the Board, has occurred and is progressing meaningfully toward completion. The Board may grant up to an additional twelve (12) month extension, if requested by the property owner in writing prior to the expiration of the original twelve (12) month period, upon showing that the expiration of the variance will cause an undue hardship on the owner.

### **E. Record of Actions**

For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:



1. Description of the applicant's request.
  2. The Zoning Board of Appeal's motion including an explanation of how the request meets each standard outlined in Sec. 21-8 B, for Non-Use Variances, or Sec. 21-8 C, for Use Variances, or conversely, an explanation of how the request does not meet each said applicable standard.
  3. The Board's vote on the motion.
  4. A summary or transcription of all relevant material and evidence presented at hearing; and,
  5. Any conditions attached to an affirmative decision.
-















City Staff  
Use Only

Project Name  
Project Number  
Review Fee Paid  
Escrow Fee Paid

RECVD

DEC 15 2020

CITY OF NEW BUFFALO

**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

Tim HANEZ

Address

Telephone

E) Property owner(s) principal contact:

Name

Same

Address

Telephone

B) Applicant(s) secondary contact:

Name

Same

Address

Telephone

F) Architect (if applicable):

Name

Address

Telephone

C) Agent or Attorney (if applicable):

Name

Address

Telephone

G) Engineer (if applicable):

Name

Address

Telephone

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:

\* 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:

am requesting 5' variance from ~~10' 10'~~  
 required 10' on WEST property line  
 for pool.

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:

I DON'T KNOW

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

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

~~The prop~~ The pool will be too close  
 to house if required 10' setback  
 enforced, pool is small already 12x24.



**III. Site and Surrounding Property Information**

A) Common address or property location of subject property:

910 Lake Dr

New Buffalo MI 49117

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

ATTACHED TO OTHER APPLICATION

C) Permanent Real Estate Tax Identification Number:

ATTACHED TO OTHER APPLICATION.

D) Parcel Size:

Square feet

Acres

Dimension of lot frontage

Dimension of lot depth

ALL ON  
SURVEY SENT  
WITH OTHER  
APPLICATIONS

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

Current zoning

Current land use

1. On Site:

I DON'T

KNOW

2. Adjoining property:

a) North of Site

b) South of Site

c) East of Site

d) West of Site

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

LAKE PROPERTY WITH SEA WALL, SHED HAS  
BEEN REMOVED.



**IV. Description of the Proposed Development**

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

same

B) What is the proposed time frame for the build-out of this development: \_\_\_\_\_

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	2200	2200	2	—	—
Two Family R-2						
Mufty-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:

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: \_\_\_\_\_

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 \$\_\_\_\_\_.
- E) ☐ High Risk Dune Area Designation and/or Soil Conservation Analysis (if applicable).
- F) ☐ Application for permits (specify type):
- 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):

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.



**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, Tim Hartz, 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

Date: 12/10/20

D) Notary Public Certification Statement:

I, \_\_\_\_\_, Notary Public in and for the State of Michigan this \_\_\_\_\_ day of \_\_\_\_\_, the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: \_\_\_\_\_

**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: \_\_\_\_\_

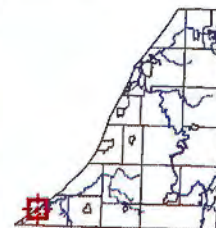
Date: \_\_\_\_\_

Initial meeting date: \_\_\_\_\_





#### Overview



#### Legend

- Railroads
- Roads**
  - <all other values>
  - Interstate
  - Major Arterial
  - Minor Arterial
  - Roads
- Parcels
- Lakes
- Rivers
- Parcel
- Lake Michigan

Parcel ID	11-62-7210-0004-00-1	Alternate ID	n/a	Owner Address	HANCZ TIMOTHY
Sec/Twp/Rng	n/a	Class	401		606 CEDAR ST
Property Address	910 LAKE DR	Acreage	n/a		SAINT CHARLES, IL 60174
	NEW BUFFALO				
District	11200				
Brief Tax Description	LOT 4 SUNSET SHORES NO 2				
	(Note: Not to be used on legal documents)				

Date created: 1/7/2021  
Last Data Uploaded: 1/7/2021 2:30:34 AM

Developed by **Schneider**  
GEOSPATIAL





EMAIL: [manager@cityofnewbuffalo.org](mailto:manager@cityofnewbuffalo.org)  
WEBSITE: [www.cityofnewbuffalo.org](http://www.cityofnewbuffalo.org)  
Authority: 1972 PA 230  
Completion: Mandatory to obtain permit  
Penalty: Permit cannot be issued

269-469-1500  
269-469-7917

### ZONING PERMIT APPLICATION

A drawing (site plan shown from a "bird's eye" view) indicating property lines, location of all buildings presently on the property and location of the proposed new structure(s), must be submitted with this application. The site plan should also include measurements from your new project to property lines and distances between all buildings. The project must be marked in some way (in ground with stakes or on ground with painted markings). "Change of Use" applicants are exempt from providing a site plan as indicated and instead, will provide a statement of the proposed new use of the existing structure.

#### I. Job Location

JOB Address <u>910 Lake Dr</u>	Name of Owner <u>TIM HANZ</u>
Name of City, Village or Township in which job is located: <u>NEW BUFFALO MI 49117</u>	County <u>Berrien</u>

#### II. Applicant (Contractor/Property Owner Information)

<input type="checkbox"/> Contractor <input checked="" type="checkbox"/> Owner <u>TIM HANZ</u>	Address <u>910 Lake Dr</u>	City, State <u>New Buffalo, MI</u>	Zip <u>49117</u>
Telephone [REDACTED]	Fax [REDACTED]		

#### III. Type of Job (PLEASE MARK NO MORE THAN ONE APPLICABLE)

<input type="checkbox"/> New Addition	<input checked="" type="checkbox"/> Single Family or Two Family Home <u>Circle One</u>	<input type="checkbox"/> Outbuilding (Barn/Shed/Carport) <u>Circle One</u>
<input checked="" type="checkbox"/> Alteration/Remodel <u>Circle One</u>	<input type="checkbox"/> Mobile Home or Prefab <u>Circle One</u>	<input type="checkbox"/> Garage (Attached/Detached) <u>Circle One</u>
<input type="checkbox"/> Change of Use (Current Use _____)	<input type="checkbox"/> Fence - Indicate Type Here _____	<input type="checkbox"/> Pool (Above/Below Ground) <u>Circle One</u>
<input type="checkbox"/> Other _____	<input type="checkbox"/> Foundation Only	<input type="checkbox"/> Commercial Building
	<input type="checkbox"/> Deck/Porch <u>Circle One</u> (Attached/Detached) <u>Circle One</u>	

#### IV. Project Dimensions

<u>32'</u> Project Width	<u>41'</u> Project Length	<u>28'</u> Project Height (from grade to highest point)	<u>2</u> # of Floors	<u>2200</u> Total Square Feet
--------------------------	---------------------------	---	----------------------	-------------------------------

#### V. Zoning Questions (PLEASE CIRCLE YES OR NO)

Does this property have frontage on two roads?	YES	<u>NO</u>
Does this property have lake frontage?	<u>YES</u>	NO
Is there a dwelling presently on this property?	<u>YES</u>	NO
Is there an accessory building presently on this property?	<u>YES</u>	NO
Is the construction located within 500 ft of a lake, stream, or natural body of water?	<u>YES</u>	NO
Will the construction require the moving of one surface acre or more of land?	YES	<u>NO</u>
If construction is for an accessory building, will it contain animals?	YES	<u>NO</u>



VI. **Responsibilities of Applicant:** It is your responsibility to be aware of any deed restrictions, subdivision regulations, flood plain regulations, and wetland regulations. I have read, acknowledged, and will comply with all of the above and with the land use regulations, as determined by the zoning administrator, or will go to the proper board for a variance/special consideration and will provide in writing such approvals, if granted, to the zoning administrator.

APPLICANT SIGNATURE

Tim Hancz

DATE

12/1/20

Zoning Official's Signature

Date



Tim Hancz  
910 Lake Drive  
New Buffalo, IL 49117

December 2, 2020

City of New Buffalo, Michigan  
224 W Buffalo Street  
New Buffalo, MI 49117

PROPOSED POOL FOR TIM HANCZ  
910 LAKE DRIVE, NEW BUFFALO, MI 49117


RE: Zoning variance request for 5' setback from West property line from required 10' setback

**Project Description** - Install 12'x24' inground pool 5-6' on deep end, 3' on shallow end. The deep end will have a ladder built into wall and shallow end will have corner steps. Pool will have foundation with 3" stone base, steel walls and vinyl liner. Pool will have automatic cover with vermiculite pool floor. Salt water treated. 36"x4" concrete apron around pool. No slide or diving board. Pool will have required 48" (or more) fence around it.

**Legal Description** - Lot 4 in Sunset Shores No. 2, City of New Buffalo, Berrien County, Michigan, according to the Plat thereof, recorded in Liber 13 of Plats, Page 6, Berrien County Records.

Tax ID - 11-62-7210-0004-00-1

Respectfully submitted,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke.

Tim Hancz, Owner

Enclosures



# MICHIGAN PROPERTY SURVEY

COMPANY ORDERED BY: Coldwell Banker Realty  
CONTACT PERSON: Chad Gradowski  
FIELD WORK DATE: 07 Oct 20  
PROJECT NO.: M-206225

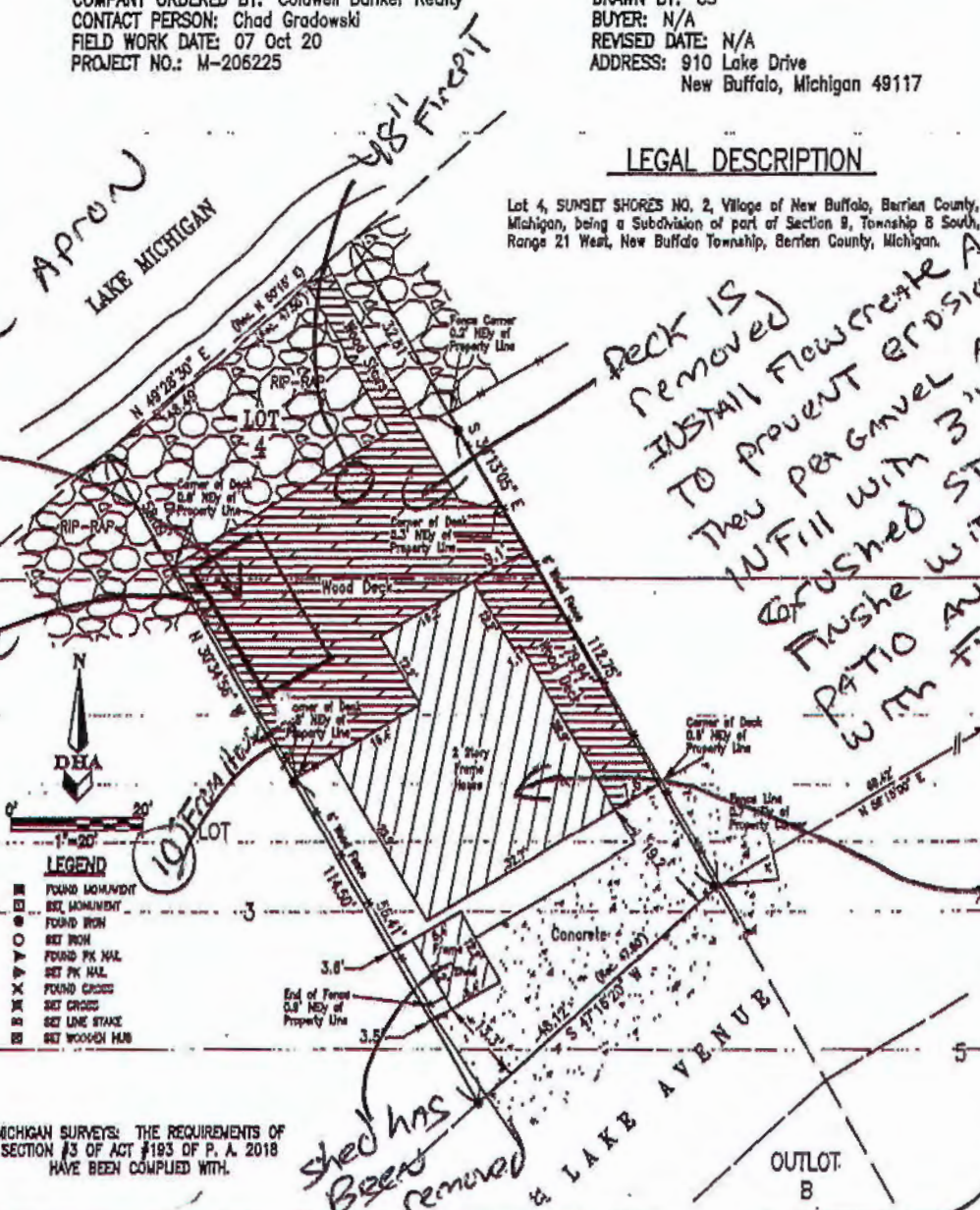
DRAWN BY: CS  
BUYER: N/A  
REVISED DATE: N/A  
ADDRESS: 910 Lake Drive  
New Buffalo, Michigan 49117

## LEGAL DESCRIPTION

Lot 4, SUNSET SHORES NO. 2, Village of New Buffalo, Berrien County, Michigan, being a Subdivision of part of Section 8, Township 8 South, Range 21 West, New Buffalo Township, Berrien County, Michigan.

12x24 Pool  
36" Concrete Apron

5' From West Prop Line  
T.D.H.



Deck IS removed  
INSTALL Flowcrete AGAINST EXISTING  
TO prevent erosion From lake  
Then per gravel AND SILT Layer  
IN Fill with 3" STONE AND  
Crushed Stone compacted  
Patio AND Greenspace  
with Firepit.

Slab  
Home  
2200#  
50 feet  
2 story  
NO Garage  
or Shed

MICHIGAN SURVEYS: THE REQUIREMENTS OF  
SECTION 13 OF ACT #193 OF P. A. 2018  
HAVE BEEN COMPLIED WITH.

TO: Tim Hancz

I, the undersigned am a Registered Land Surveyor in the State of Michigan and hereby certify that I have surveyed the Lands hereon described and delineated; That a FIELD ERROR OF CLOSURE was no greater than 1 in 5,000; That the attached plat is a true representation of said survey; That there are no encroachments other than as shown.

Ronald Lee Harner P.S. #4001022438

**Danch, Harner & Associates, Inc.**

**DHA**

Land Surveyors • Professional Engineers

Landscape Architects • Land Planners

[www.danchharner.com](http://www.danchharner.com)

Office 268-471-3010 • Fax 268-471-7237

208 W. Main Street • Berrien Springs, MI 49103

© Copyright 2018 Danch, Harner & Associates, Inc.

Tim Hancz

12/3/20



②

QUESTIONS

PLEASE

A SITE PLAN MUST BE SUBMITTED THAT INCLUDES

- A description of the project ✓
- North arrow ✓
- Legal description or address and Tax ID # of the subject property ✓
- Location of the property lines and an illustration of the setbacks ✓
- Dimensions of the parcel, the development area and open space ✓
- Location of existing and proposed structures on the site and within 50' of the parcel. Include length, width, height and total square footage of all structures
- Location of adjoining streets, sidewalks and private easements ✓
- Any other information helpful in making a determination ✓

QUESTIONS

① CAN YOU pull ~~from~~ <sup>From</sup> your plat Books  
I DON'T have Neighboring properties.  
or do I have to come in and do?

② CAN I come to meeting  
AND IF SO, when AND where?

VI. Responsibilities of Applicant: It is your responsibility to be aware of any deed restrictions, subdivision regulations, flood plain regulations, and wetland regulations. I have read, acknowledged, and will comply with all of the above and with the land use regulations, as determined by the zoning administrator, or will go to the proper board for a variance/special consideration and will provide in writing such approvals, if granted, to the zoning administrator.

APPLICANT SIGNATURE

DATE

Zoning Official's Signature

Date



# MICHIGAN PROPERTY SURVEY

COMPANY ORDERED BY: Coldwell Banker Realty  
CONTACT PERSON: Chad Gradowski  
FIELD WORK DATE: 07 Oct 20  
PROJECT NO.: M-206225

DRAWN BY: CS  
BUYER: N/A  
REVISED DATE: 01/12/2021  
ADDRESS: 910 Lake Drive  
New Buffalo, Michigan 49117

## LEGAL DESCRIPTION

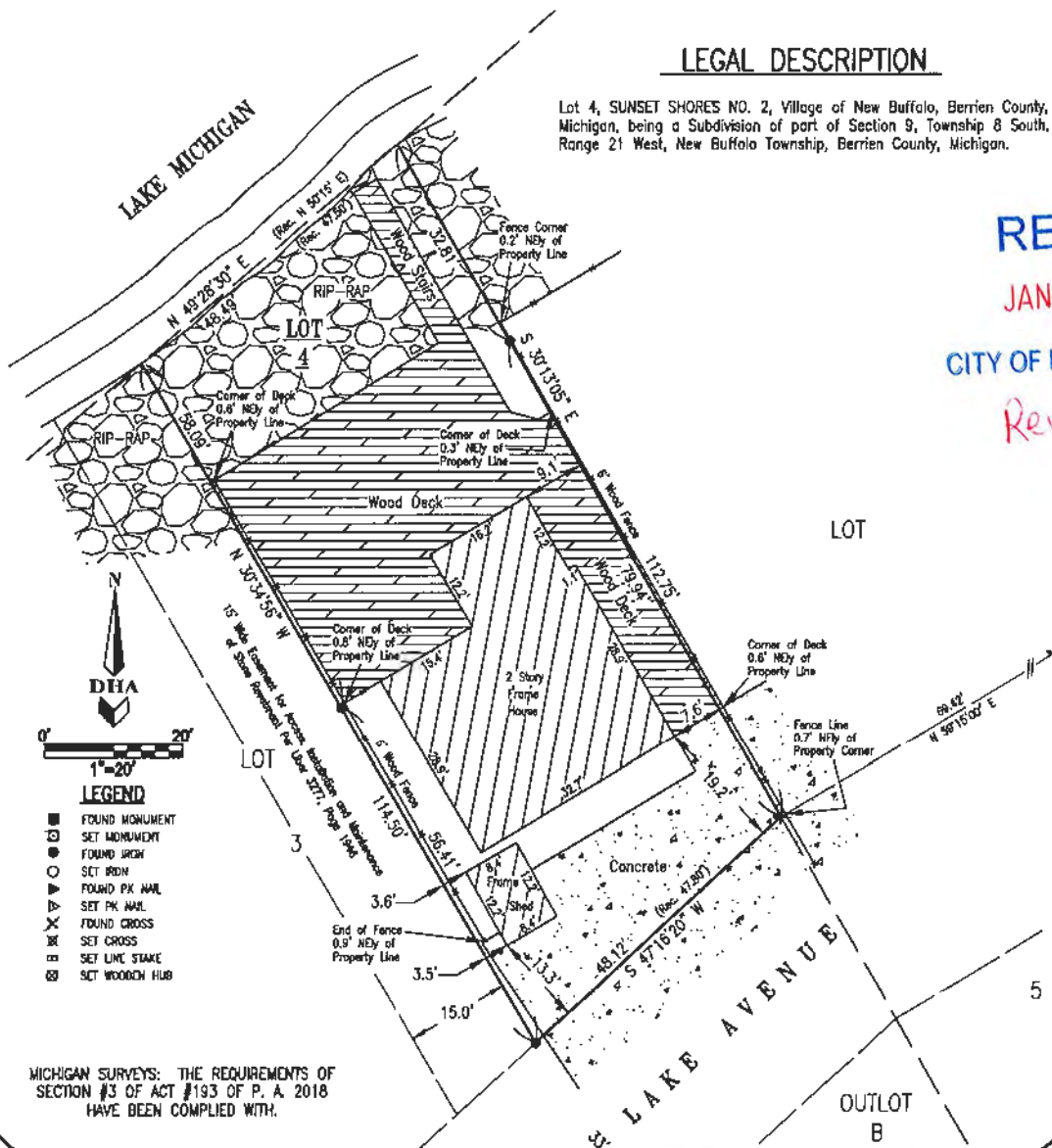
Lot 4, SUNSET SHORES NO. 2, Village of New Buffalo, Berrien County, Michigan, being a Subdivision of part of Section 9, Township 8 South, Range 21 West, New Buffalo Township, Berrien County, Michigan.

REC'D

JAN 12 2021

CITY OF NEW BUFFALO

Revised Survey



MICHIGAN SURVEYS: THE REQUIREMENTS OF SECTION #3 OF ACT #193 OF P. A. 2018 HAVE BEEN COMPLIED WITH.

TO: Tim Hancz

I, the undersigned am a Registered Land Surveyor in the State of Michigan and hereby certify that I have surveyed the Lands hereon described and delineated: That a FIELD ERROR OF CLOSURE was no greater than 1 in 5,000; That the attached plat is a true representation of said survey; That there are no encroachments other than as shown.

Ronald Lee Harner P.S. #4001022436

**Danch, Harner & Associates, Inc.**

Land Surveyors • Professional Engineers  
Landscape Architects • Land Planners

[www.danchharner.com](http://www.danchharner.com)

Office: 268-471-3010 • Fax: 268-471-7237

208 W. Main Street • Berrien Springs, MI 49103

© Copyright 2019 Danch, Harner & Associates, Inc.

**DHA**



# CITY OF NEW BUFFALO

Receipt: 87238

12/07/20

224 W. BUFFALO STREET  
NEW BUFFALO, MI 49117

Cashier: SBOONE  
Received Of: TIM HANCZ

(269) 469-1500

The sum of: 350.00

VAR	POOL VAR	350.00
	Total	350.00

CREDIT CARD		350.00
Credit Card Fee		10.50

Signed: \_\_\_\_\_