

REGULAR MEETING ZONING BOARD OF APPEALS Thursday, May 20, 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/84624119415?pwd=UEJXNXdjUStRZnhxRllwWDBtbnNRQT09

- 1. Call to Order
- 2. Roll Call
- 3. Approval of Agenda
- 4. Approval of Previous Minutes- February 18, 2021
- 5. Public Comment
- 6. Public Hearing
 - a. Variance Request 121 N. Smith Street 11-62-0340-0118-00-6
- 7. New Business
 - a. Variance Request 121 N. Smith Street 11-62-0340-0118-00-6
- 8. Adjournment

Call to Order at 5:01 pm.

Roll Call. Attending from New Buffalo, MI, Berrien County: Arlene Pokuta, Mark Joseph, Tom Smith.

Attending from Lowell, IN, Lake County: Mark Gabryszewski (joined after approval of motion to excuse him)

Attending from Burns Harbor, IN, Porter County: Richard Cooper

Attending from Naples, FL, Collier County: Wayne Borg

Motion by Smith, seconded by Joseph to excuse Mark Gabryszewski from the meeting: roll call vote, motion carried, 5-0.

Mark Gabryszewski joined the meeting.

Approval of Agenda. Motion by Smith, seconded by Joseph to approve the agenda: roll call vote, motion carried, 6-0.

Approval of Previous Minutes- February 3, 2021. Motion by Smith, seconded by Pokuta to approve the previous minutes from February 3, 2021: roll call vote, motion carried, 6-0.

Public Comment:

None

Old Business

Variance Request 910 Lake Drive to allow a side yard setback of 5 feet instead of the required 10 feet for an inground pool.

If the Board would like to revisit the variance for 910 Lake Drive and to follow proper guidelines we need to officially rescind the motion to approve made on February 3rd, 2021, where the motion ended in a tie.

Motion by Smith, seconded by Borg to rescind the ZBA's previous vote regarding the proposed variance request for the property at 910 Lake Dr., as recorded on February 3, 2021, based on new information submitted by the applicant: roll call vote, motion carried, 6-0.

February 18, 2021

Motion by Smith, seconded by Gabryszewski to approve the variance application submitted for the property at 910 Lake Dr., based on the discussion in the record and a finding that all applicable standards of the zoning ordinance are satisfied: roll call vote, motion carried, 6-0.

Board Members Comments:

None

Motion by Borg, seconded by Pokuta at 5:10 pm to adjourn the meeting: roll call vote, motion carried, 6-0.

Adjournment at 5:10 pm.

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City of New Buffalo

Zoning Board of Appeals Staff Report

Hearing Date: April 23, 2021 Project Number: PZ21-0003 Applicant: Sarah Shanahan

Subject Property Address: 121 N Smith Street, New Buffalo, MI 49117

Nature of the Request: Variance request for:

> Allow a 5 feet set back from primary building, Zoning requires 10 feet set back from primary structure.

 Allow a maximum height of accessory building to be 22' 11 ½", Zoning requires maximum accessory building height of 20' feet.

 Allow a zero (0) side set back from side yard to accessory building, Zoning requires a minimum side set back of 2 feet from side yard to accessory building.

Zoning District: R-3

OVERVIEW

The applicant is requesting a variance for three specific zoning regulations as noted above. As the proposed addition of a detached accessory garage would violate three zoning regulations as proposed.

The property at 121 N. Smith Street is currently being utilized as a single-family residence located in an R-3 district, (High Density Residential). The dwelling is permitted by right per section 8-2 (b) of the City of New Buffalo Zoning Ordinance.

The subject property has a new inground pool that was installed in the rear yard in March of 2019 with an approved zoning and building permit being issued. Projected lot coverage with house, pool, and proposed accessory garage would total approximately 30% lot coverage and up to 35% lot coverage is permitted.

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 Building Official to deny the requested side yard setback variance because of building code fire regulation requirements when structures are less than 5 feet for property line.

Respectfully submitted, Ted Hanson Building Official City of New Buffalo

CITY OF NEW BUFFALO

PLANNING COMMISSION/ ZONING BOARD OF APPEALS APPLICATION



City Staff Use Only Project Name
Project Number
Review Fee Paid

Escrow Fee Paid

PAID MAR 0 2 2021

City of New Buffalo

APPLICATION TO: PLANNING COMMISSION XZONING 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:	E) Property owner(s) principal contact:
Name Sarah Shanahan	Name Sarah Shanahan
Address 121 N SMth St.	Address
Telephone	Telephone
	<i>-</i>
B) Applicant(s) secondary contact:	F) Architect (if applicable):
Name _ CORY SHAWAHAN	Name Olivia Seartoss
Address	Address
Telephone	Telephone
C) Agent or Attorney (if applicable):	G) Engineer (if applicable):
Name	Name
Address	Address
Telephone	Telephone
D) Is the property held in Trust*:	H) Applicant is (check one):
Yes - Answer below No - Skip below	Property owner
Name of Trust	Attorney
Address	Agent
	Engineer
Telephone	Other:

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

Revised: 9/2012

II. Purpose of Application

- 10	This application is a request for the following Rezoning of Property Su	bdivision Approval	Site Plan Approval
		riance(s) Approval	Special Use Approval
	Lot Split - Subdivision or Land Division	Other:	opodiai odo Appiovai
В) Т	The reasons for the requested action(s) are MAXIMIZE INT	as follows: ERNAL SPACE OF	ACCESSORY
	700000000000000000000000000000000000000	CONTRACTOR CONTRACTOR	BULLDING
	TO AUD	W FOR BUTY GAR	AGE
	AND UPSTATIR	S OFFICE/BATH ROW	Λ
i) Th	The specific section(s) of the City Zoning Ord addresses the amendment, variance, or other control of the City Zoning Ord addresses the amendment, variance, or other control of the City Zoning Ord addresses the amendment, variance, or other control of the City Zoning Ord addresses the amendment, variance, or other control of the City Zoning Ord addresses the amendment, variance, or other control of the City Zoning Ord addresses the amendment, variance, or other control of the City Zoning Ord addresses the amendment, variance, or other control of the City Zoning Ord addresses the amendment, variance, or other control of the City Zoning Ord addresses the amendment, variance, or other control of the City Zoning Ord addresses the amendment, variance, or other control of the City Zoning Ord addresses the amendment, variance, or other control of the City Zoning Ord addresses the amendment, variance, or other control of the City Zoning Ord addresses the amendment of the City Zoning Ord addresses the control of the City Zoning Ord address	ted height 20'	ances which ted: Drimary structure
		000	line, 2 text legs
	Structure + O for Lowking for total	height 22' 11'4"	Ine, 2 text legs 20 frot Maximum
The		height 22' 11'4",	20 foot Maximum
1.	Soluting for total	tions which contain a request for	or a zoning variance:
1.	ne following two questions are only for applicate Are the conditions which prevent the development individual who has or had a property interest of the conditions were self-imposed (not har	tions which contain a request for opment of the property the rest in the subject property:	or a zoning variance: sult of action by an Yes No nce should be granted:
1.	ne following two questions are only for applicate Are the conditions which prevent the development individual who has or had a property interest of the conditions were self-imposed (not har	tions which contain a request for opment of the property the rest in the subject property: rdship), explain why the variant to MAXIMIZE Space	or a zoning variance: sult of action by an Yes No nce should be granted:
1.	The following two questions are only for applicate Are the conditions which prevent the development individual who has or had a property interest of the conditions were self-imposed (not hare to allow is to allow is the property that	tions which contain a request for opment of the property the rest in the subject property:	or a zoning variance: sult of action by an Yes No nce should be granted:

PLANNING COMMISSION/ ZONING BOARD OF APPEALS APPLICATION

III. Site and Surrounding Property Information

	21 N SMITH NEW BUFFALD,	,	7
	1		
B) Legal description (a	ittach an additional ab	ant if management.	
b) Legal description (a	CESTALIAN STA		LOT 10 BUK 10
		1770)	VILL PLAT
	TARRET DE MORAT		OF NEW BUFFA
) Permanent Real Esta	ate Tax Identification I	Number:	62-0340-0118-00-6
) Parcel Size:	97/2 suf	Courses foot	
) Parcer Size:		Square feet	
-	111	Acres	
-	131.021	Dimension of lo	
*********	141.00	Dimension of lo	t depth
) What are the current	land uses and zoning	on the property a	and the adjoining properties:
	Current zoning		
	123		Current land use
1. On Site:	10>		residential
Adjoining property	100000000000000000000000000000000000000		
a) North of Site	123		LV
b) South of Site	P3		· · ·
c) East of Site	r3	1-	1,
d) West of Site	street	182	ti
		110	
	structures or other im-		ohysical attributes of the site:
	Single family	hone	+ pool
		hone	+ Pool
		hune	+ 6001
		hune	+ 6001

PLANNING COMMISSION/ ZONING BOARD OF APPEALS APPLICATION

IV. Description of the Proposed Development

B) What is the proposed For each intended us total square footage of the number and size.	e please fill- of the develo	in the num	ber of build d the requir	ngs, square	footage of ea	ch building, the
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						
Mufti-Family R-3						
Central Business CBD						
Gen. Commercial GCD						
Naterfront Marina WM						
General Industrial I-1						
OTAL						
and the proposed road 1) Average daily traffic 2) Peak traffic flow co 3) How many lineal fe 4) How many cul-de-s 5) How many curb cut	c count for the post of roadwa	he propose roposed de ay is propos constructed	ed developments sed to be de as part of t	veloped: _	0	V/A V/A
No Yes – des					dous materials h extra pages i	

V. Attachments

A)	Plat of Survey with legal description.
В)	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 \$ <u>375</u> .
E)	High Risk Dune Area Designation and/or Soil Conservation Analysis (if applicable).
F)	_ Application for permits (specify type):
1) M	ichigan DOT
2) C	ounty Road Commission
3) C	punty Health Department
4) St	ate Dept. of Public Health
5) Mi	chigan DEQ
6) Ot	
G)	Sand Dune Permit for Construction (if applicable).
	Looking for 5 instead of 10 from primary structure and 22' 111/2" height instead of 20' height to maximize internal space to suddle
	both garage + office / bathroom upstairs to create peator year-rand utility for our family from
	both garage + office/bathroom upstairs to create
	both garage + office/bathroom upstairs to create
	both garage + office/bathroom upstairs to create greater year-round utility for our family from the property
	both garage + office/bathroom upstairs to create greater year-round utility for our family from the property
	both garage + office/bathroom upstairs to create greater year-round utility for our family from the property

VII. Signature and Declaratory Statement

A) Required attendance at public hearing(s) and/or meeting(s): The Planning Commission and

representati application i	ve of the appl s to be consid	(ZBA) have icant to be p ered. Failu	resent at any meeti re of the applicant or	requiring the applicant or a designated ng or public hearing at which their r designee of the applicant to appear nning Commission or ZBA.
B) Declaratory	Statement:			
further, I ack	and accompan nowledge the grant permis	ying docum required att sion for iden	entation is true and endance of the appl tified/members of the	fy that all information contained in this correct to the best of my knowledge and licant as set forth in paragraph A above. ne City of New Buffalo's Planning referenced in this application.
C) Applicant Sig	gnature:	Was C	Mulm	Date: 3:2:21
D) Notary Public	Certification	Statement:		
1, Ann Ma	rie Fidler		, Notary Public	in and for the State of Michigan this
22	11	y of Mar	ch . 20	21 the above captioned applicant
application an	ent approval o	VIII f Site and B documentat	. City Staff Review	ot for single family dwellings: This od by the Fire Chief or his designee, 0-469-4993.
				Review Date:
Approval:	Yes	No	Signature:	
Conditions:	Attached	None	Title:	
where the follo	wing signatur	es are requi	red for verification the	he Office of the Zoning Administrator, hat this is a complete and valid r the Zoning Board of Appeals.
Building Inspector	:			Date:
Zoning Administra	tor:			Date:

Initial meeting date:

Section 8-1 Intent and purpose.

This district is intended for buildings containing multiple-dwelling units, including both attached single-family dwelling units and apartment-style residential development. It is intended to provide additional variety in housing opportunity and choices, and to recognize the need to provide affordable housing.

Section 8-2 Uses permitted by right.

[Amended 2-19-2008 by Ord. No. 175; 6-17-2019 by Ord. No. 238]

Land and/or buildings in the R-3 District may be used for the following purposes by right:

- A. Multiple-family dwelling units, including single-family attached dwelling units, and apartment buildings.
- B. Single-family detached dwelling units.
- C. Accessory buildings and uses associated with the above permitted uses, including:
 - 1. Automobile garages.
 - 2. Health club facilities intended primarily for residents of the residential complex.
 - Recreational facilities intended exclusively for residents of the residential complex such as pools and tennis courts and other similar uses.
 - Community center building.
 - Accessory buildings shall also comply with the regulations contained in Section 3-2 of this ordinance. As provided in Section 8-3, carports are permitted in the R-3 District by special use permit only.
- D. Home occupations pursuant to Section 3-26.
- E. State-licensed residential care family facilities.
- F. State-licensed family day-care centers.
- G. Municipal parks.
- H. Public utility or service buildings, not requiring the outdoor storage of materials.

Section 8-3 Uses permitted by special land use.

[Amended 6-17-2019 by Ord. No. 238]

Land and/or buildings in the R-3 District may be used for the following purposes when approved by the Planning Commission in accordance with the special use requirements contained in Article 17:

- A. Carports.
- B. Home occupations not meeting the standards in Section 3-26.
- C. Multiple-family dwelling units providing any type of nursing or medical assistance, assisted living facility, or residential complex providing a common eating area.
- D. State-licensed group day-care centers.
- E. State-licensed residential care group facilities.

Section 8-4 Site development requirements.

Section 3-0 Intent and purpose.

It is the purpose of this article to establish regulations and conditions which are generally applicable to all or most districts of this ordinance unless otherwise indicated. The purpose of this article is to provide uniform regulations applicable within the City of New Buffalo which supplement the specific requirements for each district, and each permitted use. The regulations of this article shall apply to all Districts of this ordinance, unless specifically excepted elsewhere in this ordinance.

Section 3-1 Essential public services.

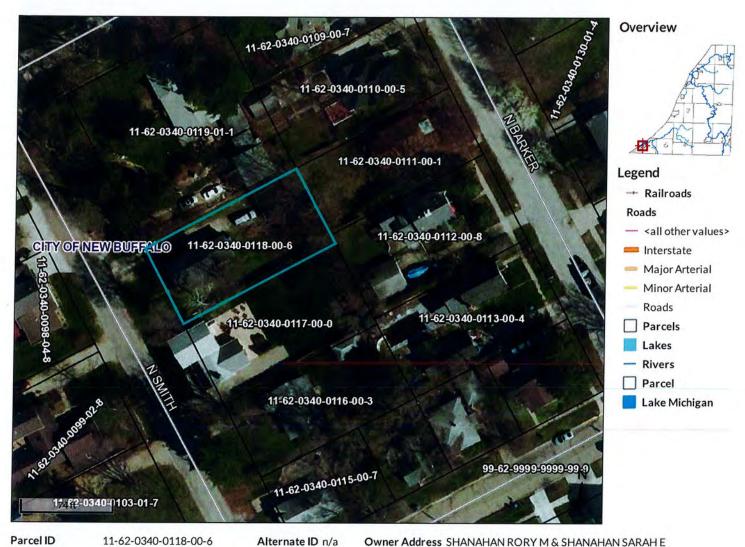
The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district. It is the intent to exempt such essential services from the application of this ordinance.

Section 3-2 Accessory buildings structures and uses.

PZZ1-0003

- A. General requirements.
 - Accessory buildings and structures shall be permitted subject to the regulations of this section.
 - Attached accessory buildings and structures shall be made structurally a part of the principal building and shall conform to the site development standards of the district in which the building or structure is located.
 - Detached accessory buildings and structures in nonresidential districts shall be setback six feet from all side and rear lot lines.
- B. Detached accessory buildings and structures residential districts or uses.
 - Location. Detached accessory buildings and structures shall be permitted only in the side or rear yard.
 - Setback. Accessory buildings shall be setback a minimum of two feet from a side or rear property line, and a minimum
 of 10 feet from the primary structure, but where it abuts an alley, it shall be setback six feet.
 - 3. Number of buildings. Up to two accessory buildings shall be permitted, however their combined area shall not exceed the maximum permitted area for detached accessory buildings.
 - 4. Maximum permitted size:
 - a. For lots of 10,000 square feet in area or less: 960 square feet shall be permitted.
 - b. For lots greater than 10,000 square feet in area, up to one acre: 1,500 square feet shall be permitted.
 - c. For lots greater than one acre: 2,000 square feet shall be permitted.
 - 5. Maximum rear yard coverage. Detached accessory structures shall not cover more than 40% of the rear yard area. In the case of corner lots, such structures shall not cover more than 40% of the yard opposite the principal front yard.
 - Permitted height. No detached accessory building shall exceed a height of 20 feet.
 - 7. Swimming pool. A swimming pool shall be permitted in addition to any detached accessory structure located on a lot or parcel. Swimming pools shall comply with the City's building code, and be located a minimum of 10 feet from the residential structure and any property line.
- C. Detached accessory buildings in nonresidential districts or uses. Detached accessory buildings having 1,000 square feet of area or more shall be approved through the site plan review process. Detached accessory buildings of less than 1,000 square feet may be approved as a minor change to a site plan (see Article 19). All detached accessory buildings shall comply with the building setback requirements of the primary structure.

Section 3-3 Corner lots.



Parcel ID

11-62-0340-0118-00-6

Sec/Twp/Rng

Property Address 121 N SMITH ST

NEW BUFFALO

District

11200

Brief Tax Description

LOT 10 BLK 10 VILL PLAT OF NEW BUFFALO

(Note: Not to be used on legal documents)

Acreage

401

n/a

REVOCABLE LIVING TRUST

NEW BUFFALO, MI 49117

121 N SMITH ST

Date created: 4/23/2021

Last Data Uploaded: 4/23/2021 1:50:07 AM

Developed by

ARCHITECTURAL PLANS FOR SHANAHAN ACCESSORY BUILDING

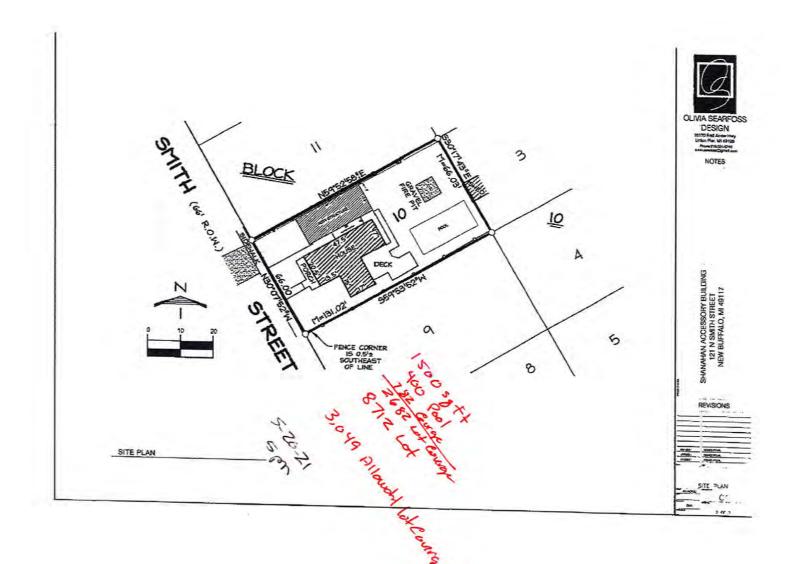


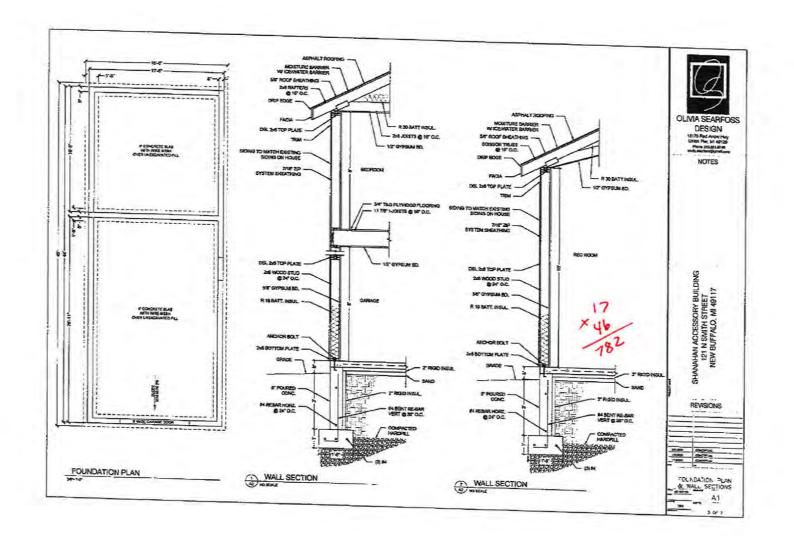
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1	AO	COVER SHEET
2	C1	SITE PLAN
3	A1	FOUNDATION PLAN & WALL SECTIONS
4	A2	MAIN LEVEL & UPPER LEVEL FLOOR PLANS
5	A3	ENLARGED VIEWS
6	A4	EXTERIOR ELEVATIONS
7	AS	ROOF PLAN & SCHEDULES

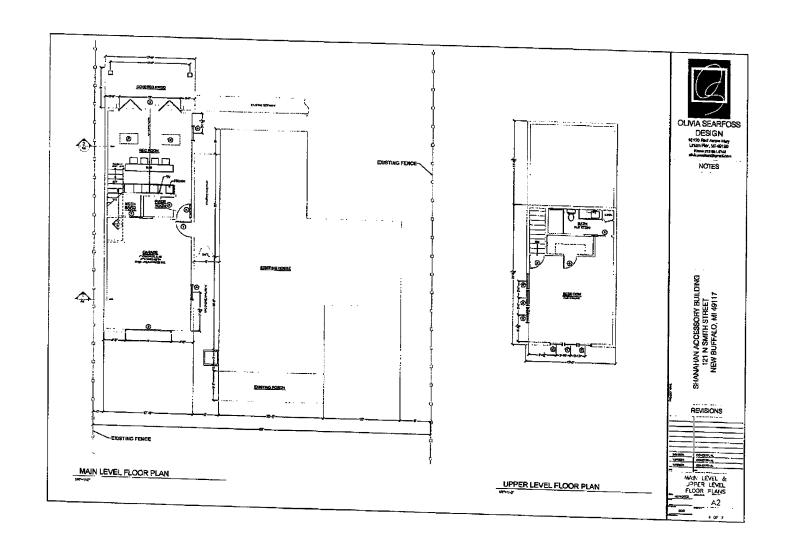
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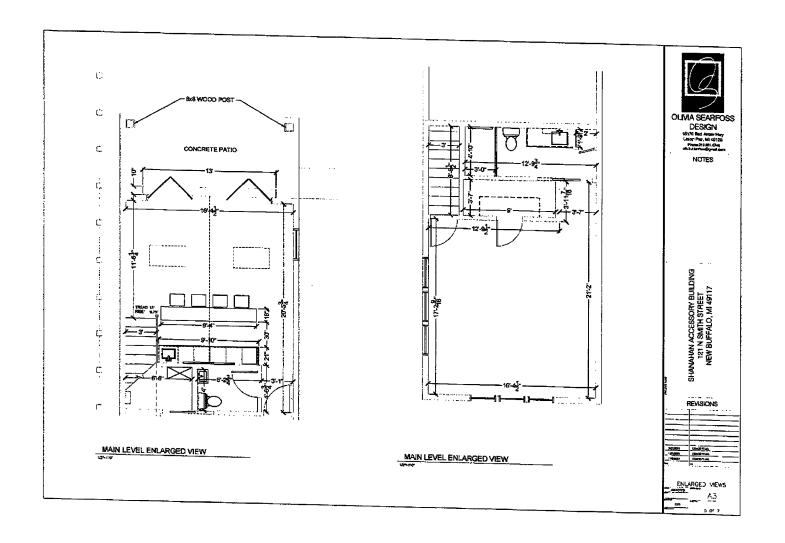


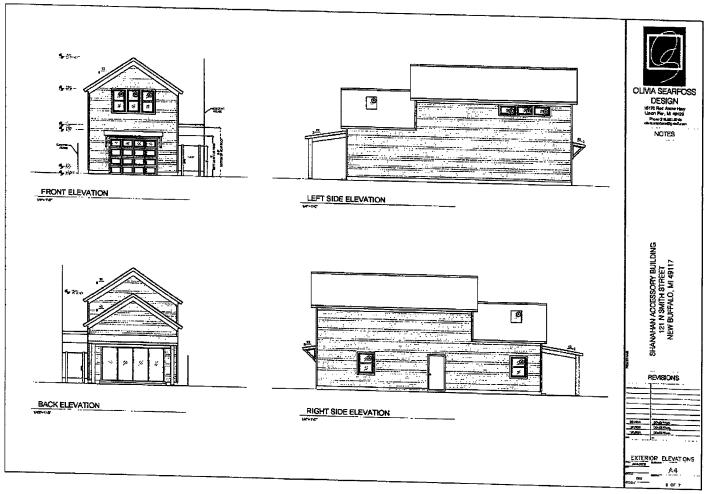


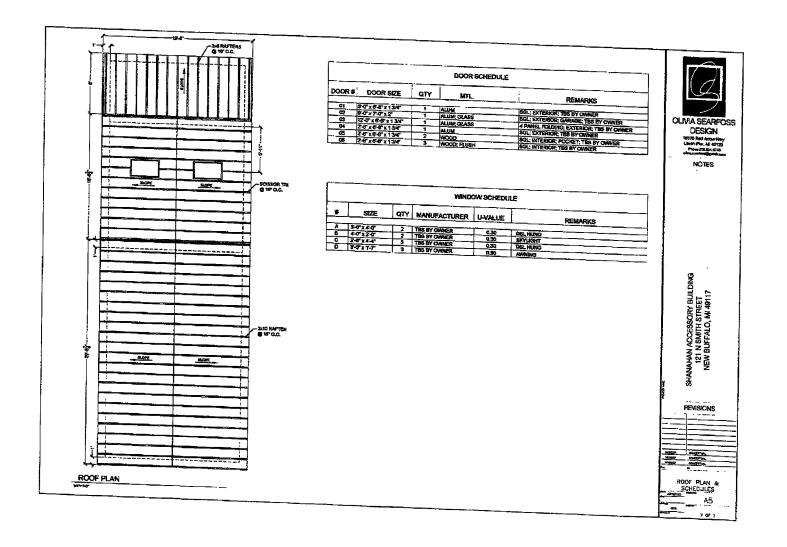






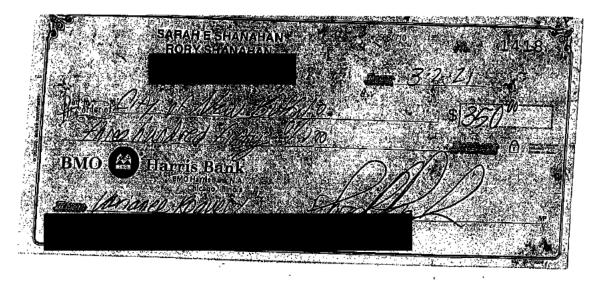






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CITY OF NEW BUFFALO
PROPRIET

224 W. BUFFALO
PROPRIET

(259) 469-1500

Date: 03/02/201: SHANAHAN

Cashier: 89975 *** REPRINT *** 3:10:19 PW

VAR VARIANCES

101AL

CHECK 141B

Otal lendered:

\$350.00

\$350.00

\$0.00