



**SPECIAL MEETING  
ZONING BOARD OF APPEALS  
Wednesday June 23, 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/89126469321?pwd=VnZicFlmM3J0VE85bUJZa2VTMlFQOT09>

*Meeting ID: 891 2646 9321*

*Passcode: 060518*

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Previous Minutes- May 20, 2021
5. Public Comment
6. Public Hearing
  - a. Variance Request 102 S. Willard Street – Allow a 6’ privacy fence in the designated front yard, on the Michigan Street side of a corner lot.
7. New Business
  - a. Variance Request 102 S. Willard Street – Allow a 6’ privacy fence in the designated front yard, on the Michigan Street side of a corner lot.
8. Adjournment

**Call to Order at 5:03pm**

**Roll Call.** All members joining from New Buffalo, MI, Berrien County: Chair Tom Smith; Arlene Pokuta, Mark Joseph, Mark Gabryszewski, Richard Cooper, Wayne Borg.

**Approval of Agenda.** Motion by Smith, seconded by Borg to approve the agenda:

Roll Call Vote:

AYES: Gabryszewski, Pokuta, Borg, Cooper, Joseph, Smith

NAYES :

ABSENT :

ABSTAINED:

Motion Carried, 6-0.

Members Richard Cooper and Wayne Borg sworn in for a 3-year term, respectively.

**Approval of Previous Minutes- February 18, 2021.** Motion by Smith, seconded by Joseph to approve the previous minutes from February 18, 2021:

Roll Call Vote:

AYES: Pokuta, Joseph, Gabryszewski, Cooper, Borg, Smith

NAYES :

ABSENT :

ABSTAINED:

Motion Carried, 6-0.

**Public Comment:** None

**Public Hearing**

**121 N. Smith Street**

Motion by Smith, seconded by Cooper to **open** public hearing for 121 N. Smith Street:

Roll Call Vote:

AYES: Joseph, Cooper, Borg, Pokuta, Gabryszewski, Smith

NAYES :

ABSENT :

ABSTAINED:

Motion Carried, 6-0.

Ted Hanson joined the meeting.

**Public Comment for Public Hearing:**

Clerk read letter from 125 N. Smith St. recommending Board to deny the request. Letter not signed.

Clerk read letter from 115 N. Smith St. recommending Board to deny the request. Letter signed by Bernard and Sandra Higgins.

Motion by Smith, seconded by Pokuta to **close** the public hearing for 121 N. Smith Street:

Roll Call Vote:

AYES: Cooper, Gabryszewski, Pokuta, Borg, Joseph, Smith

NAYES :

ABSENT :

ABSTAINED:

Motion Carried, 6-0.

**New Business****Variance Request 121 N. Smith Street:**

- **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 1/2", 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**

Rory Shanahan spoke and stated the request for a zero (0) set back from the side yard to the accessory building was inaccurate. The Building Official verified the 2' set back meets the Zoning requirements.

Chair Smith stated a vote on the zero (0) set back request is not required.

Motion by Joseph, seconded by Smith to deny the height variance request and stay within the Zoning 20' height requirement but approve the requested variance for the 5' between the existing structure and the new proposed structure:

**Roll Call Vote:**

Roll Call Vote:

AYES: Borg, Pokuta, Joseph, Cooper, Gabryszewski, Smith

NAYES :

ABSENT :

ABSTAINED:

Motion Carried, 6-0.

Board Members Comments: None

**Adjournment**

Motion by Smith to adjourn, seconded by Pokuta at 5:37 pm to adjourn the meeting:

Roll Call Vote:

AYES: Cooper, Gabryszewski, Pokuta, Joseph, Borg, Smith

NAYES :

ABSENT :

ABSTAINED:

Motion Carried, 6-0.

Adjournment at 5:37pm.

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**Tom Smith, Chair**

**Ann M. Fidler, City Clerk**



## City of New Buffalo

### Zoning Board of Appeals Staff Report

**Hearing Date:** June 23, 2021

**Project Number:** PZ21-0004

**Applicant:** Colton Connor

**Subject Property Address:** 102 S. Willard Street, New Buffalo, MI 49117

**Nature of the Request:** Allow a 6' privacy fence in the designated front yard, on the Michigan Street side of a corner lot.

**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. 102 S Willard Street is a corner lot, which means there are two front yard designations.

The applicant wishes to replace an existing chain link fence with a 6 feet privacy fence and located the privacy fence 8 feet closer to the Michigan Street than the existing chain link fence is currently. This would still allow a 16foot green space between the new privacy fence and Michigan Street. This would not cause any sight obstructions with regard to the intersection of Michigan and Willard. (See attached Photos)

**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 and proposed location. Based on the zoning criteria for approval.

Respectfully submitted,

Ted Hanson  
Building Official  
City of New Buffalo

BstA on 5/13/2013 ZBA June 14<sup>th</sup> 2008 zoom

CITY OF NEW BUFFALO

PLANNING COMMISSION/ ZONING BOARD OF APPEALS APPLICATION



City Staff  
Use Only

Project Name **P221-0004**  
Project Number **"**  
Review Fee Paid **\$350 -5-7-21**  
Escrow Fee Paid **N/A**

RECEIVED

MAY 06 2021

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.

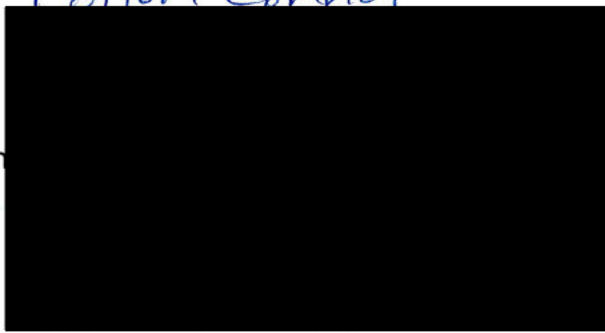
**I. Applicant and Owner Information**

A) Applicant(s) principal contact:

Name Colton Connor

Address

Telephone  
email



E) Property owner(s) principal contact:

Name Same

Address

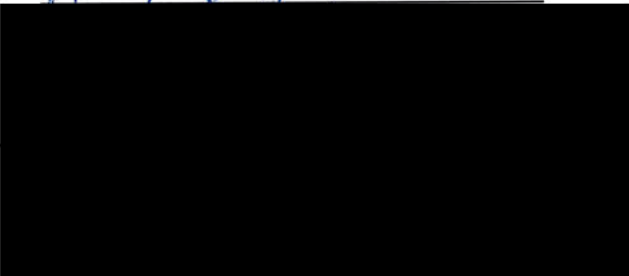
Telephone  
email

B) Applicant(s) secondary contact:

Name Abbey Delgadillo

Address

Telephone  
email



F) Architect (if applicable):

Name

Address

Telephone  
email

C) Agent or Attorney (if applicable):

Name

Address

Telephone  
email

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

G) Engineer (if applicable):

Name

Address

Telephone  
email

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D) Is the property held in Trust\*:

Yes - Answer below

No - Skip below

Name of Trust \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

email \_\_\_\_\_

H) Applicant is (circle one):

Property owner

Attorney

Agent

Engineer

Other: \_\_\_\_\_

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

Proceed to Next Page

**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:

To request a replacement fence from 3 1/2' to 6' ft for the side of a corner lot. We are asking for a 6' ft privacy fence on the side that is off of Michigan St.

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:

to grant us privacy from the street as well as the neighbor. We have had some challenges with the neighbor.



III. Site and Surrounding Property Information

A) Common address or property location of subject property:

102 S Willard St, New Buffalo, MI 49117

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

[Blank lines for legal description]

C) Permanent Real Estate Tax Identification Number: \_\_\_\_\_

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

\_\_\_\_\_ Acres

\_\_\_\_\_ Dimension of lot frontage

\_\_\_\_\_ 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:	_____	_____
2. Adjoining property:	N/A	_____
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:

House, garage and existing fence

**IV. Description of the Proposed Development**

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

To grant privacy from our neighbors and the street.

B) What is the proposed time frame for the build-out of this development: End of May 2021

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						
Mufti-Family R-3						
Central Business CBD						
Gen. Commercial GCD						
Waterfront Marina WM						
General Industrial I-1						
TOTAL						

D) If this application is for a development please provide information concerning the amount of traffic and the proposed road configuration it will have:

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):

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

C) Applicant Signature: [Signature] Date: 5/6/2021

D) Notary Public Certification Statement:

I, Ann Marie Fidler, Notary Public in and for the State of Michigan this 6<sup>th</sup> day of May, 2021 the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: 9.24.2026 Ann Marie Fidler

Ann Marie Fidler  
NOTARY PUBLIC - STATE OF MICHIGAN  
County of Berrien  
My Commission Expires 9-24-2026  
Acting in the County of Berrien

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



RECEIVED  
MAY 06 2021  
CITY OF NEW BUFFALO

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 <b>102 S. Willard St.</b>		Name of Owner <b>Colton Connor / Abbey Delgadillo</b>
Name of City, Village or Township in which job is located: <b>New Buffalo</b>		County <b>Berrien</b>

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

<input type="checkbox"/> Contractor <input checked="" type="checkbox"/> Owner <b>Colton Connor / Abbey Delgadillo</b>		
Address <b>102 S. Willard St.</b>	City, State <b>New Buffalo, MI</b>	Zip <b>49117</b>
Work/Cell Phone	Fax	

#### III. Type of Job (PLEASE MARK AS MANY AS ARE APPLICABLE)

- New
- Addition
- Alteration/Remodel Circle One
- Change of Use (Current Use \_\_\_\_\_)
- Other \_\_\_\_\_
- Single Family or Two Family Home Circle One
- Mobile Home or Prefab Circle One
- Fence - Indicate Type Here **wood**
- Foundation Only
- Deck/Porch Circle One (Attached/Detached) Circle One
- Outbuilding (Barn/Shed/Carport) Circle One
- Garage (Attached/Detached) Circle One
- Pool (Above/Below Ground) Circle One
- Commercial Building

#### IV. Project Dimensions


\_\_\_\_ Project Width      \_\_\_\_ Project Length      \_\_\_\_ Project Height (from grade to highest point)      \_\_\_\_ # of Floors      \_\_\_\_ Total Square Feet

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

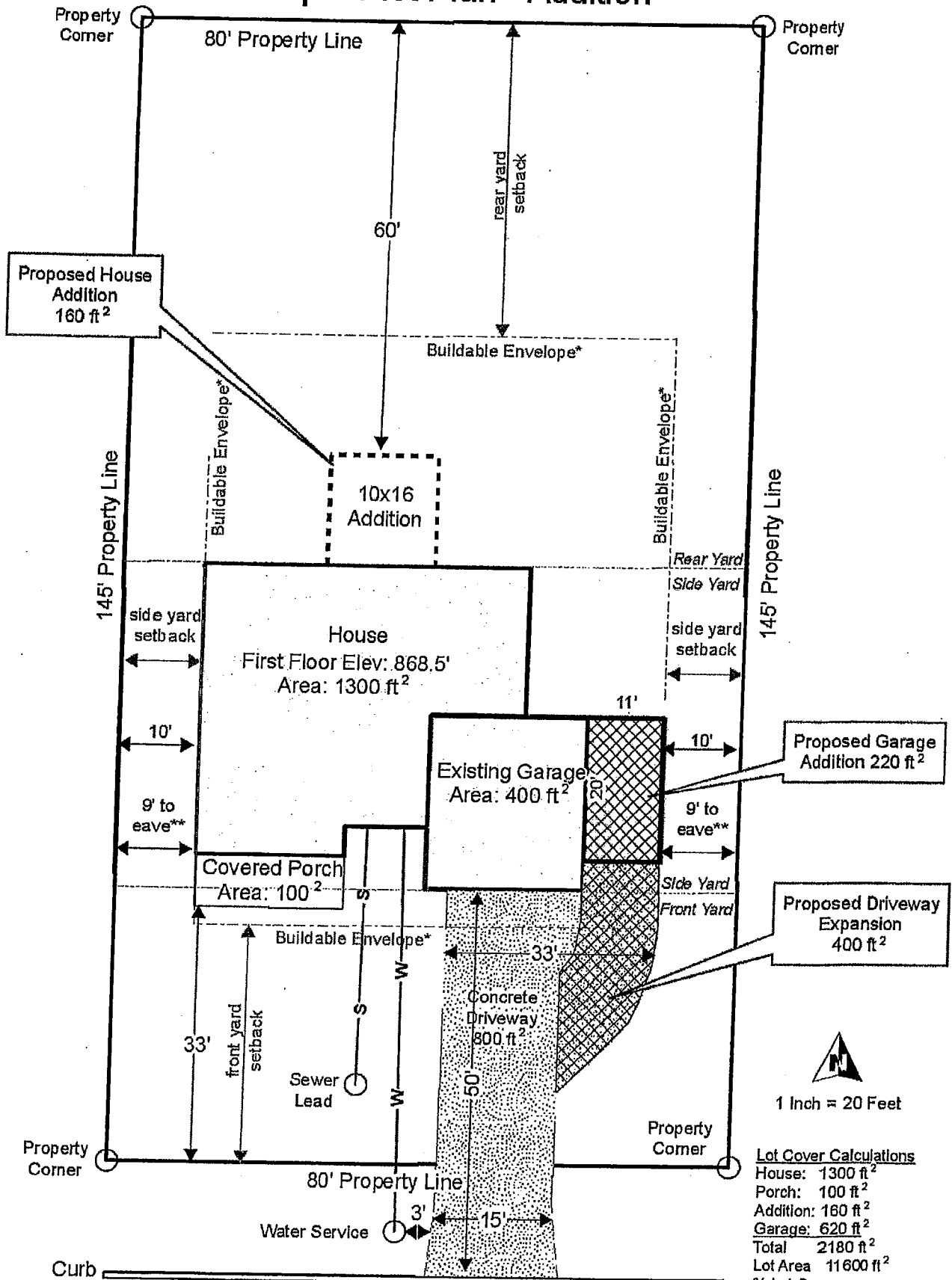
Does this property have frontage on two roads?	<u>YES</u>	NO
Does this property have lake frontage?	YES	<u>NO</u>
Is there a dwelling presently on this property?	<u>YES</u>	NO
Is there an accessory building presently on this property?	YES	<u>NO</u>
Is the construction located within 500 ft of a lake,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

**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

<b>VI. Responsibilities of Applicant:</b> <i>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.</i>	
APPLICANT SIGNATURE 	DATE 5/6/2021
Zoning Official's Signature	Date

# Example Plot Plan - Addition



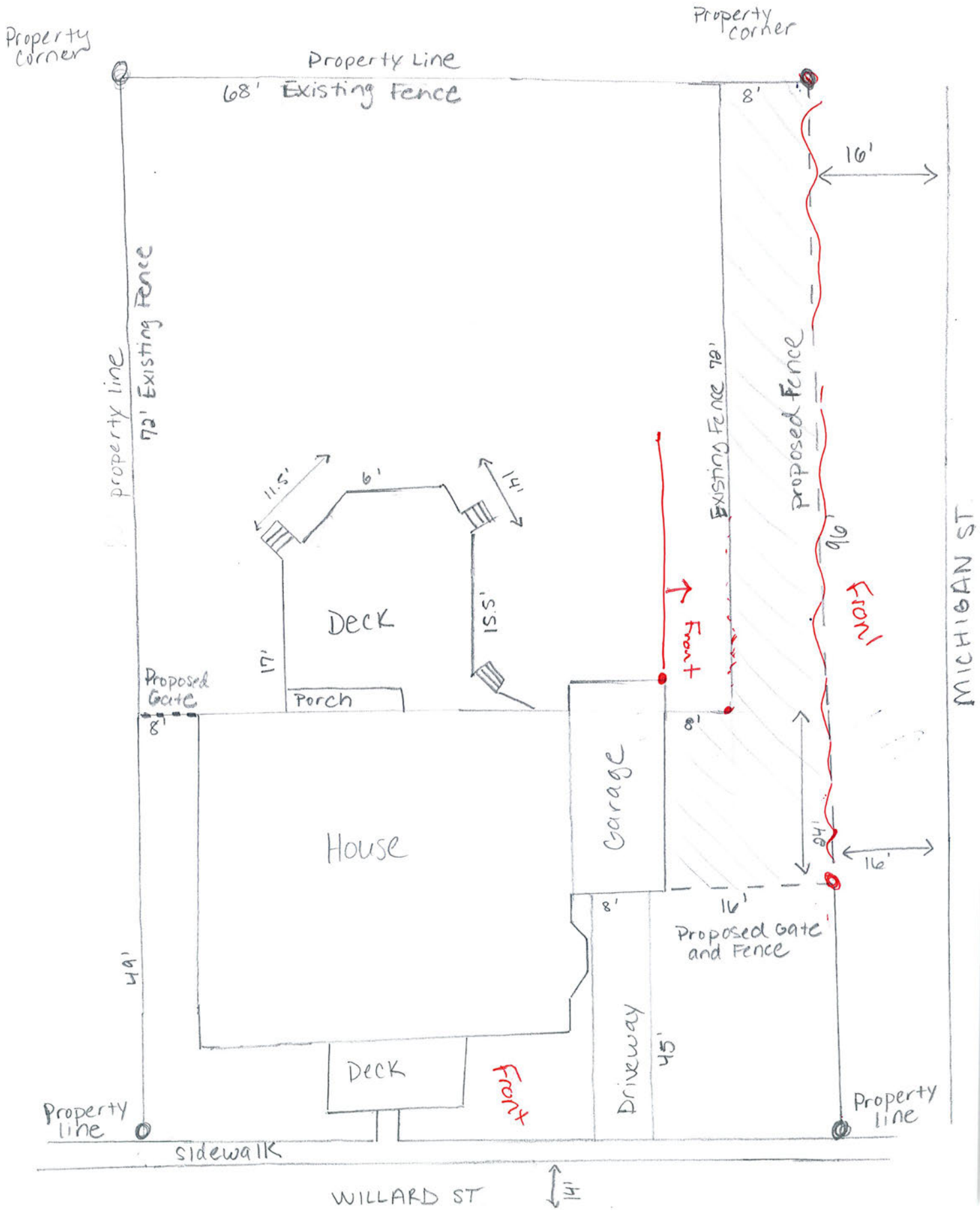
  
 1 Inch = 20 Feet

**Lot Cover Calculations**

House:	1300 ft <sup>2</sup>
Porch:	100 ft <sup>2</sup>
Addition:	160 ft <sup>2</sup>
Garage:	620 ft <sup>2</sup>
<b>Total</b>	<b>2180 ft<sup>2</sup></b>
Lot Area	11600 ft <sup>2</sup>
% Lot Cover	(2180/11600) = 18.8%
	(maximum allowed = 25%)

Description: New wood fence (6' tall) on right side of property with a soft gate. Replace gate on left side of property with wood gate.

SITE PLAN



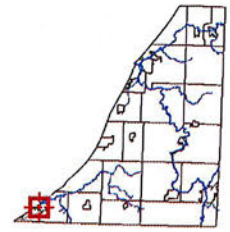



















Overview



Legend

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

Parcel ID	11-62-8200-0361-00-6	Alternate ID	n/a	Owner Address	CONNOR COLTON Z
Sec/Twp/Rng	n/a	Class	401		DELGADILLO ABBEY
Property Address	102 S WILLARD ST	Acreage	n/a		102 S WILLARD ST
	NEW BUFFALO				NEW BUFFALO, MI 49117
District	11200				
Brief Tax Description	THE NELY 1/2 OF THE NWLY 65.5' OF BLK 361 VIRGINIA ADD TO VILL OF NEW BUFFALO				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 5/27/2021  
 Last Data Uploaded: 5/27/2021 2:17:15 AM

Developed by  **Schneider**  
 GEOSPATIAL



**City of New Buffalo**

224 W Buffalo St

New Buffalo, MI 49117

Ph: (269) 469-1500

Fax: (269) 469-7917

RECEIPT NUMBER

00001213

Paid By

Connor Colton & Cecilia



05/25/2021

Type	Record	Category	Description	Amount
Permit	PZ21-0004	Standard Item	Variance - Regular	\$ 350.00
<b>Total</b>				<b>\$ 350.00</b>
Cash				
Check				\$ 350.00
Credit				
Transferred				
<b>Tendered</b>				<b>\$ 350.00</b>
<b>Change</b>				<b>\$ 0.00</b>
<b>To Overpayment</b>				<b>\$ 0.00</b>